

COMMUNIQUE  
FROM AN  
EX-COP<sup>1, 2, 3, 4, 5</sup>

NEW YORK YEAR ZERO

CHRISTOPHER JORDAN DORNER

YEARO.ORG



# COMMUNIQUÉ FROM AN EX-COP

BY  
CHRISTOPHER JORDAN DORNER

ANNOTATED BY  
NEW YORK YEAR ZERO

NEW YORK / LOS ANGELES 2013

INTRADPARTMENTAL CORRESPONDENCE

June 20, 2008

TO: Police Officer II Chris Dorner, Serial No. 37381

FROM: Commanding Officer,

SUBJECT: INACTIVE DUTY ASSIGNMENT


This is to notify you that the Department is conducting an investigation of allegations of misconduct in which you are an accused employee. The Department will not be able to draw conclusions regarding your involvement until a thorough investigation has been conducted. However, in light of the seriousness of the allegations, the Department may not allow you to continue to perform your duties as a Police Officer at this time.

As a result, you are assigned to inactive duty pursuant to Department Manual Sections 3/840.10 and 3/840.20. Effective immediately, and until further notice, between 0700 to 1945 hours on your assigned workdays, you shall remain on-call and available at your residence or other approved location. You are to telephonically contact the watch commander at (323) 294-8844 at the beginning and end of each watch. Should you need to leave your residence or other location designated as approved during these hours, you are to obtain permission from the watch commander prior to leaving. You will be notified of any requests to appear for an interview or otherwise assist with the investigation.

You may not carry a concealed weapon through the authority granted in 12027 (a) of the Penal Code (PC). You will not be required to perform regularly scheduled qualification.

While assigned to inactive duty and during off-duty hours, your peace officer powers are restricted. You may not carry or display your departmental badge or identification card. If you should be confronted with a situation that would normally require your action as a peace officer, as outlined in 830.1 (a) PC, your primary responsibility would be to notify appropriate on-duty law enforcement personnel.

This order is in effect upon personal service of this notice to you and is based on the authority of the Chief of Police and the Police Commission to restrict the right of officers of this Department to act as peace officers or carry firearms. The restrictions in this order shall remain in effect until you are notified otherwise, in writing.

  
WILLIAM P. HAYES, Captain  
Commanding Officer  
Harbor Area Community Police Station

From: Christopher Jordan Dorner /7648<sup>6</sup>

To: America

Subj: Last resort<sup>7</sup>

Regarding CF# 07-004281<sup>8</sup>

I know most of you who personally know me are in disbelief to hear from media reports that I am suspected of committing such horrendous murders and have taken drastic and shocking actions in the last couple of

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1 Posted on Facebook on February 4th, 2013 at 1:48 AM, according to a February 6th search warrant (see Appendix A; Search Warrant. Superior Court of California, County of Orange. 6 Feb. 2013. 17).

2 From the beginning, all news outlets have referred to Dorner's text as a "manifesto," often preceded by the word "rambling," (a Google News phrase search for "rambling manifesto" yielded 1,860 articles at the height of the manhunt) though more often "angry" (3,930 articles). Labeling a document a "manifesto" is one way the media marks its author as mentally unstable, or, even worse, a lone voice yelling into the wilderness. Revelations of isolated lives spent in cabins, whether in the remote Montana wilderness or the snow-capped mountains of Big Bear, CA, paint an image of an unhinged, anti-social individual wholly out of touch with reality, if not totally against it (the climactic self-inflicted gunshot wound provides ultimate confirmation of this). The Riverside Chief of Police articulated early on the portrait of a suspect both solitary and certifiable: "My opinion of the suspect is unprintable. The manifesto I think speaks for itself as evidence enough of a depraved and abandoned mind and heart" (Blankstein, Andrew, Christopher Goffard, and Phil Willon. "A cop's nightmare." *Los Angeles Times* 7 Feb. 2013: A1). Yet Dorner's text doesn't lay out a vision of a better world or posit ideas on how to fix society's ills, nor is there a broad call to arms—all key characteristics of the manifesto genre. In fact, it reads more like a communiqué than a manifesto. It is a series of grievances followed by a series of promises. By the time the media caught on, those promises had effectively become claims of direct action, his grievances serving as their justification.

3 As the story unfolded, the usual nexus of traditional news media and social media worked quickly to craft a narrative for Dorner. This began inauspiciously enough with a series of conspiracy-flavored inquiries as speculation flared on independent news sites (e.g. Vojir, Dan. "The Tale of Two Dorner Manifestos." *OpEdNews* 11 Feb. 2013) and on message boards (e.g. "Let's get to the bottom of which is the real manifesto." */r/DornerCase*. Reddit, 8 Feb. 2013) as to why two different versions of Dorner's statement had been released to the public. To set the stage: a 6,032-word version was first published by local news outlets on the night of February 6th. Metadata in KFI AM 640's PDF, one of the earliest iterations posted online, indicates that the file was saved at 8:58 PM PST that evening. (KFI later removed direct links to the PDF, but the file remains accessible on their servers). It focuses almost entirely on Dorner's grievances with, and criticisms of, the Los Angeles Police Department. The second version, containing 11,351 words, was posted on news sites the following day. Metadata in the *Los Angeles Times*' PDF shows a save date of February 7th, 2013 at 4:29 PM PST ("Manhunt manifesto." *Los Angeles Times* 7 Feb. 2013). It consists of the initial, shorter version appended with an additional 5,300 words that includes, among other things, tributes to friends and mentors, a plea for gun control legislation, praise for Michelle Obama's hairdo, and disappointment over not being able to watch the Dis-

days.<sup>9</sup> You are saying to yourself that this is completely out of character of the man you knew who always wore a smile wherever he was seen. I know I will be villified by the LAPD and the media. Unfortunately, this

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covery Channel's upcoming Shark Week television programming, presumably due to the crimes that he was about to commit.¶ In a February 11th search warrant, Irvine Police state that they discovered the communiqué on Dorner's Facebook page on February 5th via a basic site search (see Appendix B; Search Warrant. Superior Court of California, County of Orange. 11 Feb. 2013. 4). Depending on how much credit one gives the media, it's either unlikely or just merely disappointing that journalists would miss a public post, fully indexed and searchable, that contained very specific death threats against the people found murdered a full three days earlier—a story that was already leading the news. (Dorner's uniform and badge were discovered in a garbage can in nearby National City, CA on February 5th, at least 24 hours before he was publicly named as a suspect. So much for "police sources.") Dorner's text directly implores retired LAPD Captain Randal Quan, whose daughter was one of the murder victims, to "look your wives/husbands and surviving children directly in the face and tell them the truth as to why your children are dead" (p. 28). While the search warrant alludes to elements of the extended version, the earlier warrant issued on the night of February 6th only contains excerpts from the shorter version of the statement (see Appendix A; Search Warrant. Superior Court of California, County of Orange. 6 Feb. 2013. 17).¶ An image has been widely disseminated online that supposedly proves that the longer version is the authentic one ("Google Cache Web grab of actual Facebook post made by Dorner. Looks like the 11,000 word manifesto was the original post." *Imgur*. *Imgur*, 9 Feb. 2013. Orig. in "Let's get to the bottom of which is the real manifesto." */r/DornerCase*. *Reddit*, 8 Feb. 2013). This "proof" turns out to be a screen capture of a Google search result snapshot—an ephemeral web page that Google temporarily stores as it crawls the web for information. The snapshot, posted on February 9th, actually depicts a search for the term "Richard III" on the website StatusBin, a little-known search engine that indexes Facebook posts and other social media content. According to the image, Dorner published his statement on February 4th at 9:14 AM (no time zone specified), which doesn't match the 1:48 AM time cited by Irvine police in their initial search warrant, even after adjusting for potential time zone differences.¶ The *LA Weekly* reported on February 6th at 9:28 PM PST that they had "found part of the alleged manifesto, still cached on Google" (Romero, Dennis. "Christopher Jordan Dorner, Disgraced LAPD Cop, Suspected In Irvine Murders." *LA Weekly* 7 Feb. 2013). Everything they excerpted that night and through the following day was found in the shorter version of the text. Given the media's subsequent embrace of Dorner's alleged musings on Charlie Sheen and other Hollywood stars, it's doubtful that the *LA Weekly* blogger who trades in such headlines as "Nude-Yoga Teen Arrested at West Covina" (Romero, Dennis. *LA Weekly* 18 Feb. 2013) and "Everything You Ever Wanted to Know about Porn Stars" (Romero, Dennis. *LA Weekly* 19 Feb. 2013) would have been able to resist including such sensational details. The reporter did not respond to requests for comment.¶ Elsewhere, social news site BuzzFeed accused mainstream news organizations of "distributing and reporting on a highly edited version of the manifesto" (Hall, Ellie and Kaczynski, Andrew. "LAPD Spree Killer's Supposed Full Manifesto Shows Support For Gun Control And President Obama." *BuzzFeed Politics*. *BuzzFeed*, 7 Feb. 2013). They referred to the website of local Fox affiliate KTTV, who published the extended version of the communiqué on February 6th at 10:40 PM PST ("Read Murder Suspect Chris Dorner's Online Manifesto About Slayings." *Fox*. *KTTV*. Los Angeles, CA. 6 Feb. 2013).¶ It should be noted that Dorner had mailed a package to CNN journalist Anderson Cooper (among others—see footnote 23) a few days before the February 3rd murders in Irvine. While it arrived at Cooper's office on

## APPENDIX G

is a necessary evil that I do not enjoy but must partake and complete for substantial change to occur within the LAPD and reclaim my name. The department has not changed since the Rampart and Rodney King days.<sup>10</sup>

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February 1st, it only came to light on February 7th due to the company's mail screening process. Inside was a bullet-ridden commemorative medallion from the LAPD, a DVD containing a suspect's video testimony supporting Dornier's claims that he was unjustly fired, and a Post-It note that read, "I never lied! Here is my vindication. Evans kicked the suspect. Very respectfully, Chris Dornier." The Facebook missive was not included in the package. (Cooper, Anderson. "Bratton: Dornier package 'very disturbing.'" *Anderson Cooper 360°*. CNN, 7 Feb. 2013).

- 4 Either way, the notion of an "uncensored manifesto" is disputable in itself (e.g. Anonymous. "Here's an UNCENSORED copy of the rogue LAPD officers manifesto." *Your Anon News*. Tumblr, 7 Feb. 2013). Referring to it as such indicates a motive even beyond that of calling it a "manifesto" in the first place—from the hacker group Anonymous touting "leaks" and drumming up retweets, to right-wing groups accusing the "liberal media" of covering up Dornier's left-leaning politics (e.g. Nolte, John. "Suspected Mass Murderer's Manifesto Endorses Hillary, Obama, Gun Control, Elite Media." *Breitbart* 7 Feb. 2013).
- 5 Another "manifesto" has been subjected to similar interrogation over the years in regards to both the authenticity of its varied editions as well as the mental stability of its author. Valerie Solanas's *SCUM Manifesto*, in which even the meaning of "SCUM" remains contested, was and still is regularly dismissed as "an extension of Solanas's mental breakdown" (Fahs, Breanne. "The Radical Possibilities of Valerie Solanas." *Feminist Studies* 34.3 [2008]: 609). The similarities between the two authors end there, but their "manifestos" have something in common: they're both unstable texts whose variously redacted, abridged, and "uncut" versions bear a multitude of meanings. No version is authoritative and, in turn, no reading is definitive.
- 6 The last 4 digits of Dornier's social security number (see Appendix A; Search Warrant. Superior Court of California, County of Orange. 6 Feb. 2013. 14).
- 7 While "From," "To," and "Subject" fields make this appear to be an email, no journalists or otherwise have reported receiving it as such. By all accounts, Dornier's statement was originally posted on his Facebook page using the site's "Notes" feature. Notes, according to Facebook's official blog, are "a great way to start a discussion with friends about life's big decisions or moments" (Novati, Michael. "New Tools for Facebook Notes." *The Facebook Blog*. Facebook, 13 Aug. 2010). Less vaguely, "Facebook Notes is a simple word-processing feature for Facebook users. While status updates that you post to your Wall have a limited character length and no HTML capability, Notes lets you write full-length posts with formatting, tagging and pictures. Use Notes to publish content that is too long to post to your Wall or that requires formatting" (Leon, Jay. "What Are Facebook Notes For?" *Small Business*. Demand Media, n.d.).¶ Facebook Notes allow a maximum of 65,535 combined characters and spaces for each note (Levielle, Dan. "What is the character limit on a Facebook Note?" *Quora*. Quora, 4 Sep. 2011), which nearly matches the 65,357 in the second, longer version of Dornier's text. While a discrepancy of 178 characters is not insignificant, the character limit provides an explanation as to why that version abruptly cuts off mid-word: "We can not address this nation's intolerant issues until we address our own communities morality issues first. Accountability. We need to hold ou" [*sic*]. What complicates this is the fact that Facebook warns its users when a Note exceeds the 65,535 character limit. The warning comes only after clicking the "Publish" button, as the text input field itself has no character limit. To accept this scenario, one would have to assume that Dornier edited down his final statement to the world by arbitrarily deleting all of the text at the end, effectively abbreviating his own last words.

It has gotten worse. The consent decree should never have been lifted.<sup>11</sup> The only thing that has evolved from the consent decree is those officers involved in the Rampart scandal and Rodney King incidents have since promoted to supervisor, commanders, and command staff, and executive positions.<sup>12</sup>

The question is, what would you do to clear your name?

Name;

A word or set of words by which a person, animal, place, or thing is known, addressed, or referred to.<sup>13</sup>

- 8 The case file number for the LAPD's August 10th, 2007 complaint against Dorner that ultimately led to his firing on September 5th, 2008 (see Appendix C; Decision of the Board of Rights and Execution of the Order. Los Angeles Police Department. 9 Feb. 2009. 1). An LAPD statement issued early in the manhunt incorrectly cites Dorner's termination date as September 4th, 2008. In addition to giving the wrong date of the Irvine double homicide (the bodies were discovered on February 3rd, not the 4th), the statement also misspells Dorner's name ("Chrisopher") and contains various grammatical errors (see Appendix D; "LAPD Statement on Former Officer Wanted in Double Homicide." Los Angeles Police Department. 6 Feb. 2013. 1).
- 9 Dorner assumed that his communiqué would take a few days to surface, revealing a certain amount of confidence in the investigative reporting abilities of Los Angeles journalists. For someone intimately familiar with the corruption, nepotism, and racism that pervades institutions like the LAPD, he doesn't seem to harbor the same suspicions about the media, who during the manhunt published story after story simply paraphrasing the latest LAPD, IPD, RPD, LASD, or SBSO press release, which is what usually happens when editors give stories to crime beat reporters whose access to information is entirely determined by how friendly they are with police officials. In the Dorner story, it was bloggers, independent journalists, and Twitter users who pushed the narrative away from one of "workplace violence" (e.g. Constant, Gerri Shafel. "Forensic Psychiatrist: 'Dorner is Like Kaczynski.'" Fox. KTTV. Los Angeles, CA. 7 Feb. 2013) and towards a public interrogation of police racism.
- 10 Rubin, Joel. "Justice Department warns LAPD to take a stronger stance against racial profiling." *Los Angeles Times* 14 Nov. 2010; Vaillancourt, Ryan. "Racism, Sexual Harassment Lawsuits Prompt Shakeup at LAPD's Central Division." *Los Angeles Downtown News* 5 Oct. 2011; Singh, Ajay. "LAPD Takes Use of Force 'Very Seriously,' Northeast Commander Says." *Eagle Rock Patch* 15 Sep. 2012; McCray, Q. "LAPD SWAT investigated for re-selling guns for profit." KABC. Los Angeles, CA. 28 Aug. 2012.
- 11 After the Rampart scandal in the late 1990s exposed widespread corruption in its CRASH (Community Resources Against Street Hoodlums) anti-gang units, the LAPD was forced to negotiate a so-called "consent decree" with the Department of Justice in 2001 that created a federal monitor to ensure that the department was taking sufficient steps to "promote Civil Rights Integrity." In return, the DOJ promised not to pursue a civil rights lawsuit against the city of Los Angeles ("Consent Decree Overview." *Official Website of the Los Angeles Police Department*. LAPD, n.d.). Originally set to expire in 2006, a federal judge extended the decree another three years after determining that the LAPD had failed to meet a significant number of its goals. The decree was finally lifted in 2009 in spite of an ACLU study that year that found that racial profiling was still common practice in the department (Aubry, Larry. "Consent Decree Lifted Despite Racial Profiling." *Los Angeles Sentinel* 30 July 2009).

## BOARD SELECTION FORM

Box File No. 25233 Date of BOR                     

Accused Officer	<u>Dorner, Chris</u>	Serial No.	<u>37381</u>
Sex	<u>M</u>	Race	<u>B</u>
Date Hired	<u>2-7-05</u>	Assigned Advocate	<u>                    </u>
Defense Representative	<u>                    </u>	Advocate for Selection	<u>Sgt. Wayne Morey</u>
Initial Selection Date	<u>08/11/08</u>	Last Day to Select	<u>08/11/08</u>
Last Day for COP to Select	<u>08/18/08</u>		

### Chain of Command / Prejudice / Conflict of Interest

CAPTAIN FONTANA DEP. CHIEF GANNON, K. Comm. SMITH, ANTON  
CAPTAIN CLARK Comm. JACKSON, NYLEN

### Department Member Selection

Rank / Name	Division / Phone Number	Available / Unavailable	Info From
① <u>CAPT I J. EISENBERG</u>	<u>5-1-07 #94</u>		
2. <u>CAPT III J. VILLEGAS</u>	<u>6-4-06 #34</u>		
3. <u>CAPT I. MINSAL</u>	<u>11-11-07 #101</u>		
④ <u>CAPT III P. TINGALDES</u>	<u>7-2-07 #59</u>		
(5.)			
(6.)			

### Civilian Member Selection

Name	Phone Number	Available / Unavailable	Info From
1. <u>                    </u>			
2. <u>                    </u>			
3. <u>                    </u>			

### Employee

Address	<u>4931 SHARON DR.</u>	Chairman	<u>                    </u>
City	<u>LA PALMA, CA</u>	Sworn Associate	<u>                    </u>
Zip Code	<u>90623</u>	Civilian Associate	<u>                    </u>
Phone Number	<u>714 905 6456</u>		
Vacation, T/O, etc.	<u>PAST</u>		
Date package request to Div.	<u>                    </u>	By	<u>                    </u>

### Board Members

Date of Selection 08/11/08  
 Info from                      Rec'd by                       
 Lt. review                      Date



Name Synonyms;  
reputation, title, appellation, denomination, repute.

A name is more than just a noun, verb, or adjective. It's your life, your legacy, your journey, sacrifices, and everything you've worked hard for every day of your life as and adolescent, young adult and adult. Don't let anybody tarnish it when you know you've live up to your own set of ethics and personal ethos.

In 8/07 I reported an officer (Ofcr. Teresa Evans<sup>14</sup>/now a Sergeant), for kicking a suspect (excessive force) during a Use of Force<sup>15</sup> while I was assigned as a patrol officer at LAPD's Harbor Division.<sup>16</sup> While cuffing the suspect, (Christopher Gettler), Evans kicked the suspect twice in the chest and once in the face. The kick to the face left a visible injury on the left cheek below the eye.<sup>17</sup> Unfortunately after reporting it to supervisors and investigated by PSB<sup>18</sup> (internal affairs investigator Det. Villanueva/Gallegos<sup>19</sup>), nothing was done. I had broken their supposed "Blue Line". Unfortunately, It's not JUST US, it's JUSTICE!!! In fact, 10 months later on 6/25/08,<sup>20</sup> after already successfully completing probation, acquiring a basic Post Certificate,<sup>21</sup> and Intermediate Post Certificate, I was relieved

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12 See footnote 75.

13 Definition found in various Oxford dictionaries.

14 LAPD Sergeant Teresa Lewis Evans, named 2011-12 "Sergeant of the Year" by business owners in the Central Area Business Improvement District ("Central City Police Boosters Salute Los Angeles Police Department." *Official Website of the Los Angeles Police Department*. LAPD, 7 Mar. 2012.).

15 "Categorical uses of force incidents are incidents involving use of deadly force by an LAPD officer, including Officer Involved Shootings, neck restraints and head strikes, Law Enforcement Related Injury where the use of force requires hospitalization of the arrestee, and all other uses of force resulting in death" ("Use of Force Review Division." *Official Website of the Los Angeles Police Department*. LAPD, n.d.).

16 Located in San Pedro, CA at the entrance to the Port of Los Angeles.

17 Gettler's facial injury was officially attributed to his fall into a bush that occurred during his arrest. Testimony stating that Evans kicked Gettler in the chest was discounted in part because of a lack of "visible dirt transfer" on Gettler's shirt from a shoe or boot (see Appendix E; Christopher Dorner v. Los Angeles Police Department et al. CA 2/4, Court of Appeals of California. 3 Oct. 2011. 14).

18 Professional Standards Bureau, a division of the City of Los Angeles Personnel Department that handles employment matters for the LAPD and all other city agencies with public safety personnel (Lim, Nelson et al. *To Protect and Serve: Enhancing the Efficiency of LAPD Recruiting*. RAND Corporation, 2009. iii).

19 Internal Affairs Group Detective Shelley Villanueva, née Gallegos.

20 Dorner was officially assigned to inactive duty on June 23rd, 2008. "The Los Angeles Police Department Manual makes clear that an officer on inactive duty is not entirely excused from his or her or job duties; rather, the officer is required to remain on-call at a designated place" ("Time Spent On 'Inactive Duty' Did Not Extend L.A. Police Officer's Probationary Period." KMTG: A Law Corporation, 26 Mar. 2006). Being placed on inactive duty is a humiliating affair; the officer is effectively placed on house

of duty by the LAPD while assigned to patrol at Southwest division. It is clear as day that the department retaliated toward me for reporting Evans for kicking Mr. Christopher Gettler. The department stated that I had lied and made up the report that Evans had kicked the suspect. I later went to a Board of Rights<sup>22</sup> (department hearing for decision of continued employment) from 10/08 to 1/09. During this BOR hearing a video was played for the BOR panel where Christopher Gettler stated that he was indeed kicked by Officer Evans (video sent to multiple news agencies).<sup>23</sup> In

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arrest from 7 AM to 7:45 PM on assigned workdays, and leaving the premises requires approval from the Watch Commander.

- 21 POST, or the Commission on Peace Officer Standards and Training, issues certificates on completion of police academy training courses.
- 22 The Internal Affairs Group (IAG) web page on the LAPD's official website politely describes Board of Rights (BOR) proceedings as "administrative hearings" ("IAG Avocate [sic] Section." *Official Website of the Los Angeles Police Department*. LAPD, n.d.). A 2006 press release puts it more plainly, characterizing them as "tribunals that conduct quasi-judicial administrative hearings on police officer disciplinary matters." The judges of these tribunals—two high-ranking police officials and one civilian community representative—produce "findings of fact based on sworn testimony and evidentiary submissions, and may recommend to the Chief of Police that a sworn member of the Police Department be suspended, demoted, or removed" ("Police Commission Seeks Hearing Examiner Applicants." *Official Website of the Los Angeles Police Department*. LAPD, 28 July 2006). Here is how the three judges for Boards of Rights are chosen: first, the names of four command officers ranked Captain or above are drawn at random. The accused (Teresa Evans, in the case of Dorner's complaint) then selects two of these four officers as judges (See Appendix F; Board Selection Form. Los Angeles Police Department. 11 Aug. 2008. 1). The Board of Police Commissioners, which "function[s] like a corporate board of directors" for the LAPD ("The Function and Role of the Board of Police Commissioners." *Official Website of the Los Angeles Police Department*. LAPD, n.d.), then chooses the third judge from a self-selected pool of "community representatives"—local lawyers, former police officials, ex-judges, politicians, business owners—in accordance with an independent commission's recommendation following the Rodney King beating in 1991. (Human Rights Watch. *Shielded from Justice: Police Brutality and Accountability in the United States*. New York: Human Rights Watch, 1998. 224). Boards of Rights have not changed much since then, other than a 2006 California Supreme Court ruling that closed the hearings to the public and sealed all police officers' disciplinary records, including Use of Force inquiries. This was all in the name of "privacy" and all at the behest of police unions across the state ("Frequently Asked Questions about Copley Press and SB 1019." *ACLU of Northern California*. ACLU of Northern California, n.d.). So when the current Chief of Police says that the LAPD has "a great process that looks at complaints. I caution people not to automatically assume police misconduct until you see the investigation," he must know that for the public to actually do so is impossible (Morrison, Patt. "Patt Morrison Asks | Charlie Beck; The chief's side." *Los Angeles Times* 27 Feb. 2013: A13). Unless, that is, the department leaks the transcripts to a favored news organization, as they did with Dorner's records (see footnote 51).
- 23 KTTV. "FOX 11 Exclusive: Christopher Gettler Deposition." *You Tube*. YouTube, 11 Feb. 2013. A DVD containing the video was mailed to at least three people: Anderson Cooper, a reporter at KTTV, and Dorner's former mentor in the police Explorer program for youths (see footnote 91) (Lopez, Lolita. "La Palma Police Chief recalls the 'Chris Dorner that I knew.'" KNBC. Los Angeles, CA. 17 Feb. 2013). It's all but

## APPENDIX F

Even if the Board had not found the evidence listed above persuasive, Sergeant Evans herself testified that she did not kick Gettler. Her testimony alone would have been sufficient to support the Board's findings. (See *People v. Fierro* (2010) 180 Cal.App.4th 1342; 1347 (*Fierro*) [stating that "unless the testimony is physically impossible or inherently improbable, testimony of a single witness is sufficient to support a conviction"]].)

There is substantial evidence in the record to support the Board's finding. The Board simply found appellant not credible and thus implicitly found Sergeant Evans credible. Credibility determinations are within the province of the trier of fact. (*Fierro, supra*, 180 Cal.App.4th at p. 1347.)

#### DISPOSITION

The judgment of the trial court, denying appellant's petition for a writ of administrative mandamus, is affirmed. Respondents shall recover their costs on appeal.

#### NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.

addition to Christopher Gettler stating he was kicked, his father Richard Gettler, also stated that his son had stated he was kicked by an officer when he was arrested after being released from custody. This was all presented for the department at the BOR hearing. They still found me guilty and terminated me. What they didn't mention was that the BOR panel made up of Capt. Phil Tingirides,<sup>24</sup> Capt. Justin Eisenberg,<sup>25</sup> and City Attorney Martella<sup>26</sup> had a significant problem from the time the board was assembled. Capt. Phil Tingirides was a personal friend of Teresa Evans from when he was her supervisor at Harbor station. That is a clear conflict of interest and I made my argument for his removal early and was denied. The advocate for the LAPD BOR was Sgt. Anderson.<sup>27</sup> Anderson

certain that he mailed the DVD to other news outlets. The only thing "exclusive" to KTTV was the fact that they actually allowed their audience to examine the primary source documents behind the story.

- 24 Currently Patrol Commanding Officer at Southeast Division. Tingirides was assigned to Harbor Division in 1996, where he served as Officer-in-Charge of the Gang Unit before becoming Aide to the Department Commander. According to his official bio, "[d]uring this assignment he was involved in the Rampart Corruption investigation" ("Tingirides, Phillip." *Official Website of the Los Angeles Police Department*. LAPD, n.d.). Tingirides was apparently so good at his job that during the manhunt "a group of active gang members even offered to stand guard" outside his home and provide his family with protection (Abdollah, Tami. "Family threatened by ex-cop recalls ordeal." Associated Press. 19 Feb. 2013).
- 25 Currently Commanding Officer of North Hollywood Division. Eisenberg served in Southeast Division's gang unit in the late 90s and was assigned in 2000 to the LAPD's Democratic National Convention Planning Group, whose main job was to urge downtown business owners to "dust off the Y2K program [and] earthquake contingency plans" in preparation for the rioting and looting that the protests would supposedly bring to the city ("LAPD Preparing Business Owners in Los Angeles for Possible Protests and Looting When the Democrats Hold Their Convention." Narr. Aaron Schachter. *Weekend All Thing Considered*. National Public Radio, 6 Aug. 2000). The unit's work culminated in a cascade of rubber bullets and swinging nightsticks being unleashed upon crowds of peaceful demonstrators and fleeing journalists. In 2003, Eisenberg became Officer-in-Charge of the Rampart Gang Impact Team ("Eisenberg, Justin." *Official Website of the Los Angeles Police Department*. LAPD, n.d.). More recently, he was the subject of numerous complaints alleging that he ignored sexism and retaliation that occurred under his watch. The LAPD's Internal Affairs Group declined to investigate the complaints, but a jury eventually handed down a \$2.5 million verdict in a gender discrimination lawsuit filed by three veteran detectives, all of them former subordinates of Eisenberg (Rubin, Joel. "Jury awards 3 detectives \$2.5 million." *Los Angeles Times* 6 Oct. 2011: A4).
- 26 Timothy Martella, an undistinguished Monterey Park lawyer who represents parents in juvenile dependency cases ("Law Offices of Timothy Martella." Los Angeles Dependency Lawyers Inc., 25 Apr. 2012). One wonders how often civilian community representatives like Martella actually disagree with the opinions of two Captain IIs with decades of experience on the force. The answer to this question is ultimately irrelevant, since the Board adjudicates by majority vote.
- 27 Sergeant Sherrielyn Andersen (alt. spelling "Anderson"). Testified in a Board of Rights hearing that Dorner "lacks the integrity necessary" to be a cop and "should receive the harshest penalty for violating the trust of his peers, his department and

also had a conflict of interest as she was Evans friend and former partner from Harbor division where they both worked patrol together. I made my argument for her removal when I discovered her relation to Evans and it was denied.

During the BOR, the department attempted to label me unsuccessfully as a bully. They stated that I had bullied a recruit, Abraham Schefres, in the academy when in reality and unfounded disposition from the official 1.28<sup>28</sup> formal complaint investigation found that I was the one who stood up for Abraham Schefres when other recruits sang nazi hitler youth songs about burning Jewish ghettos in WWII Germany where his father was a

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the public he was sworn to serve” (“Dorner had history of complaints against fellow LAPD officers.” *Los Angeles Times* 9 Feb. 2013).

- 28 Name of the official form used for recording complaints against LAPD officers and employees. This includes complaints filed by the department’s Internal Affairs Group (Consent Decree. *United States v. Los Angeles*, No. 00-11769 GAF [C.D. Cal. 15 June 2001]. I[A][5]). Instituted in 1998, rank and file officers and LAPD shifts including the *Los Angeles Times* criticized the more user-friendly process as “harmful on morale. . . . Some LAPD officers allege that the new system has contributed to a growing reluctance among those on patrol to actively fight crime because they fear receiving a citizen complaint and getting overly scrutinized by their bosses” (Lait, Matt. “New LAPD Complaint-Logging System Makes Mark.” *Los Angeles Times* 25 Feb. 1998: 1). The Rampart Independent Review Panel, formed by the LAPD in the wake of the Rampart scandal, agreed that the 1.28 system was flawed, but for different reasons:

Officers throughout the Department believe that sanctions are applied unfairly and inconsistently. . . . The perception that penalties are imposed inconsistently is exacerbated by lack of confidence in the fairness of the Board of Rights, which currently both decides whether violations have occurred and determines appropriate penalties. (Report of the Rampart Independent Review Panel. 2000. 11)

The panel’s findings begin to sound familiar:

In some cases, harsh discipline of officers who fail to report misconduct has reinforced the “code of silence” within the Department, by deterring officers from coming forward. For a variety of reasons, including friendship, loyalty, fear of retaliation, and uncertainty regarding acceptable practices, officers who witness misconduct often fail to report it immediately, but may later reconsider their decision, particularly if they see further misconduct by the same officer. Punishing officers for failing to come forward immediately discourages them from reporting the conduct later, adding to the informal pressure to keep quiet. The department worsens this problem by sometimes treating a failure to report more seriously than the underlying violation, even when the officer who originally failed to report the misconduct later came forward or answered truthfully in an investigation. (ibid.)

In fact, the discipline system itself may be used against those who come forward. Sometimes petty complaints will be filed against officers who violate the code of silence and substantial Department resources will be utilized to investigate the complaints, which are often kept open for length periods. (ibid. 102)

Thirteen years later, Christopher Dorner leveled the exact same criticisms. Only this time, the media narrative wasn’t about officer morale or hesitation on the battlefield. Now it was about anger, revenge, and resentment.

Appellant argues that the trial court did not understand that it was required to exercise its independent judgment, pursuant to *Fukuda v. City of Angels* (1999) 20 Cal.4th 805 (*Fukuda*), and that the court instead merely “rubber-stamped” the Board’s decision. Contrary to appellant’s claim, the trial court specifically stated that it had independently reviewed the administrative record and, based on that review, it was uncertain whether Evans had kicked Gettler. Appellant therefore had failed to carry his burden of convincing the court that the administrative findings were contrary to the weight of the evidence. (*Fukuda, supra*, 20 Cal.4th at p. 817; *Breslin, supra*, 146 Cal.App.4th at p. 1077.) The trial court did not fail to exercise its independent judgment.

Appellant further contends that the findings made by the Board were so lacking in evidentiary support as to be inherently improbable and unreasonable. We disagree.

The Board’s findings relied on physical evidence and the testimony of several eyewitnesses who testified that they did not see Sergeant Evans kick Gettler. Sergeant Hernandez and the two DoubleTree employees who witnessed the incident, Adrid and Perez, did not see any kicks. The Board also noted that the photo of Gettler did not show any dirt on his white shirt that would have indicated he was kicked in the clavicle area. The Board also relied on appellant’s failure to report the kicks despite several opportunities to do so, citing Sergeant Jackson’s testimony that appellant did not report the kicks when he was first interviewed about the use of force, as well as appellant’s failure to report the kicks to Lieutenant Grossman. In addition, the Board found that appellant had a motive to make false allegations against Sergeant Evans, based on her testimony that appellant would receive an unsatisfactory rating if he did not improve his performance.

In arguing that the Board improperly shifted the burden of proof, appellant focuses on the Board's statement that, after reviewing all the evidence, it could not "make a factual finding that the kicks occurred." Neither this statement nor anything else in the Board's decision indicates that the Board shifted the burden to appellant.

In order to prove that appellant made false statements and a false complaint, the LAPD needed to prove that Sergeant Evans did not kick Gettler. The LAPD accordingly presented witnesses and other evidence tending to show that the kicks did not occur, and the Board found its evidence persuasive. The Board's statement that it could not find evidence to support appellant's claim that Sergeant Evans kicked Gettler does not mean that appellant had the burden of proving his statements were not false. Rather, it indicates that the LAPD bore its burden of convincing the Board that the kicks did not occur. The trial court did not err in rejecting appellant's argument.

## II. Substantial Evidence

Appellant's second contention is that the trial court erred in upholding the Board's factual findings because they were not supported by substantial evidence.<sup>3</sup> As stated above, on appeal, "we may not reweigh the evidence, but consider that evidence in the light most favorable to the trial court, indulging in every reasonable inference in favor of the trial court's findings and resolving all conflicts in its favor." (*Breslin, supra*, 146 Cal.App.4th at p. 1078.)

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<sup>3</sup> Because we find the findings supported by substantial evidence, we need not consider respondents' assertion that appellant waived the substantial evidence issue.

survivor of a concentration camp.<sup>29, 30</sup> How fucking dare you attempt to label me with such a nasty vile word. I ask that all earnest journalist investigating this story ask Ofcr. Abraham Schefres about the incident when Ofcr. Burdios<sup>31</sup> began singing a nazi youth song about burning jewish ghettos.

The internal affairs investigation in the academy involving Schefres was spurned by a complaint that I had initiated toward two fellow recruit/officers. While on a assigned patrol footbeat in Hollywood Division, Officers Hermilio Burdios IV and Marlon Magana (both current LAPD officers) decided that they would voice their personal feelings about the black community. While traveling back to the station in a 12 passenger van I heard Magana refer to another individual as a nigger. I wasn't sure if I heard correctly as there were many conversations in the van that was compiled of at least 8 officers and he was sitting in the very rear and me in the very front. Even with the multiple conversations and ambient noise I heard Officer Magana call an individual a nigger again. Now that I had confirmed it, I told Magana not to use that word again. I explained that it was a well known offensive word that should not be used by anyone. He replied, "I'll say it when I want". Officer Burdios, a friend of his, also stated that he would say nigger when he wanted. At that point I jumped over my front passenger seat and two other officers where I placed my hands around Burdios' neck and squeezed. I stated to Burdios, "Don't fucking say that". At that point there was pushing and shoving and we were separated by several other officers. What I should have done, was put a Winchester Ranger SXT 9mm 147 grain bullet<sup>32</sup> in his skull and Officer Magana's skull. The Situation would have been resolved effective, immediately.<sup>33</sup> The sad thing about this incident was that when Detective Ty<sup>34</sup> from internal affairs investigated this incident only (1) officer (unknown) in the van other than myself had statements consistent with what actually happened. The other six officers (John Carey, Gary Parker, Jacob Waks, Abraham Schefres and names I have forgotten) all stated they heard nothing and saw nothing. Shame on every one of you. Shame on

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<sup>29</sup> In 2006, Dorner was accused of punching Schefres in the chest. Schefres, who was wearing a bulletproof vest and trauma plate at the time, testified that the punch was "more of a 'hello'" ("Dorner had history of complaints against fellow LAPD officers." *Los Angeles Times* 9 Feb. 2013).

<sup>30</sup> Schefres was a rabbi and likely wore a yarmulke (Kleinbaum, Josh. "Look Who Fits LAPD Profile." *Daily News* [Los Angeles, CA] 1 May 2006: N1), so claims of recruits singing Hitler Youth songs as a provocation may seem less farfetched than one might have originally thought.

<sup>31</sup> Hermilio Burdios, Mission Division.

<sup>32</sup> A brand of hollow-point ammunition used primarily by law enforcement.

<sup>33</sup> This is the logic behind most police killings, including Dorner's own death.

<sup>34</sup> Rogelio Ty, IAG.



Detective Ty (same ethnicity as Burdios) for creating a separate 1.28 formal complaint against me (Schefres complaint) in retaliation for initiating the complaint against Burdios and Magana. Don't retaliate against honest officers for breaking your so called blue line.<sup>35</sup> I hope your son Ryan Ty, who I knew, is a better officer than you, Detective Ty. The saddest part of this ordeal was that Officer Burdios and Magana were only given 22 day suspensions and are still LAPD officers to this day. That day, the LAPD stated that it is acceptable for fellow officers to call black officers niggers to their face and you will receive a slap on the wrist. Even sadder is that during that 22 day suspension Burdios and Magana received is that the LAPPL (Los Angeles Police Protective League)<sup>36</sup> paid the officers their salaries while they were suspended.<sup>37</sup> When I took a two day suspension for an accidental discharge, I took my suspension and never applied for a league salary. Its called integrity.

Journalist, I want you to investigate every location I resided in growing up. Find any incidents where I was ever accused of being a bully. You won't, because it doesn't exist. It's not in my DNA. Never was. I was the only black kid in each of my elementary school classes from first grade to seventh grade in junior high and any instances where I was disciplined for fighting was in response to fellow students provoking common childhood schoolyard fights, or calling me a nigger or other derogatory racial names. I grew up in neighborhoods where blacks make up less than 1%. My first recollection of racism was in the first grade at Norwalk Christian elementary school in Norwalk, CA. A fellow student, Jim Armstrong if I can recall, called me a nigger on the playground. My response was swift and non-lethal. I struck him fast and hard with a punch and kick. He cried and reported it to a teacher. The teacher reported it to the principal. The principal swatted Jim for using a derogatory word toward me. He then for some unknown reason swatted me for striking Jim in response to him

35 Referred to officially as the "code of silence." In a measure of its pathetic reach, one of the key recommendations made by the Rampart Independent Review Panel was to "develop statistical records that allow it to track manifestations of the 'code of silence'" (Report of the Rampart Independent Review Panel. 2000. 3). The panel also recommended that supervisors "model appropriate responses" and "emphasize judgment" without explaining what those things actually meant (ibid. 102).

36 The LAPD officers' union, who, for their part, asserted that Dorner's actions were "not the result of supposed ill treatment by the LAPD, concussions sustained playing football, attempts to reveal the 'truth,' or any other excuse he offered in his written ramblings" ("Christopher Dorner's Reign of Terror is Over." *Los Angeles Police Protective League*. Los Angeles Police Protective League, 14 Feb. 2013).

37 The majority of officers continue receiving full pay while serving their suspensions. Most of them pay an annual \$300 fee to their union (LAPPL) for an insurance policy that provides up to 25 days of pay for suspended officers, no matter the misdeed (Uranga, Rachel. "Punished Cops Paid by Union." *Daily News* [Los Angeles, CA] 21 May 2008: A1).

the respect due these findings, the court exercises independent judgment in making its own findings. [Citation.] . . . [¶] On appeal, we review a trial court's exercise of independent review of an agency determination for substantial evidence. [Citation.]" (*Sarka, supra*, 146 Cal.App.4th at pp. 270-271.) "[O]ur review of the record is limited to a determination whether substantial evidence supports the trial court's conclusions and, in making that determination, we must resolve all conflicts and indulge all reasonable inferences in favor of the party who prevailed in the trial court. [Citations.]" (*Wences v. City of Los Angeles* (2009) 177 Cal.App.4th 305, 318.) We review independently any legal interpretations made by the administrative agency and the trial court. (*Breslin v. City and County of San Francisco* (2007) 146 Cal.App.4th 1064, 1077 (*Breslin*)).

## I. Burden of Proof

Appellant's first contention is that the trial court erred in rejecting his argument that the Board improperly shifted the burden of proof from the employer to him. Whether the Board shifted the burden of proof is a legal question reviewed de novo. (*Breslin, supra*, 146 Cal.App.4th at p. 1077.) We conclude that the Board did not improperly shift the burden of proof.

The parties agree that respondents had the burden of proving the charges against appellant. (See *California Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1167 [explaining that a public employee's interest in his employment is protected by due process, which requires an administrative hearing at which "the burden of proving the charges rests upon the party making the charges"].) Thus, here, the LAPD was required to prove that appellant made a complaint he knew or should have known was false and that he made false statements during the investigation.

evidence. The court also rejected appellant's contention that the Board shifted the burden of proof by requiring him to prove the training officer kicked the suspect. Finally, the court rejected appellant's contention that the Board members were biased. The court reasoned that no other witness testified that Sergeant Evans kicked Gettler and that the issue came down to a determination of the relative credibility of appellant and Sergeant Evans. The court thus denied appellant's petition for writ of mandate and entered judgment in favor of respondents. Appellant filed a timely notice of appeal.

## DISCUSSION

"Pursuant to Code of Civil Procedure section 1094.5, when the trial court reviews an administrative decision that substantially affects a fundamental vested right, the trial court 'not only examines the administrative record for errors of law but also exercises its independent judgment upon the evidence . . . .' [Citations.]" (*Sarka v. Regents of University of California* (2006) 146 Cal.App.4th 261, 270 (*Sarka*)). The right to practice one's trade or profession is a fundamental vested right. (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 143; see also *Barber v. Long Beach Civil Service Com.* (1996) 45 Cal.App.4th 652, 658 [stating that the trial court is required to exercise its independent judgment where a case involves a police officer's vested property interest in his employment].)

"Under the independent-judgment standard, 'the party challenging the administrative decision bears the burden of convincing the court that the administrative findings are contrary to the weight of the evidence.' [Citation.] '[The] trial court must accord a "strong presumption of . . . correctness" to administrative findings . . . .' [Citation.] The trial court begins its review with the presumption that the administrative findings are correct, and then, after according

calling me a nigger. He stated as good Christians we are to turn the other cheek as Jesus did. Problem is, I'm not a fucking Christian and that old book, made of fiction and limited non-fiction, called the bible, never once stated Jesus was called a nigger.<sup>38</sup> How dare you swat me for standing up

38 Dorner didn't intend to be a martyr. In fact, he might not have been on a suicide mission at all. While the extended version of his communiqué states that he "won't be around" for the season finale of the television show *The Walking Dead* (scheduled to be broadcast on March 31st, 2013), it's not at all clear that he's foretelling his own death as some analysts (of both the medical and law enforcement stripe) have assumed (Ramsland, Katherine. "Christopher Dorner: Spree or Serial Killer?" *Psychology Today* 14 Feb. 2013; Costello, Carolyn. "A Former FBI Agent Delves into Dorner's Manifesto." CW. KTLA. Los Angeles, CA. 8 Feb. 2013). While Dorner writes that "I will not be alive to see my name cleared," he also promises that "[w]hen the truth comes out, the killing stops" (p. 21)—one of the few inconsistencies in his text. While one might point to the final self-inflicted gunshot wound as evidence of his suicidal intent, one has to consider his predicament: trapped in the basement of a cabin fast becoming engulfed in flames, surrounded by an army of keyed up cops anxious to resolve the situation by any means necessary. In addition, the media had been predicting for days that Dorner was "a likely candidate for 'suicide by cop'" (Robinson, Alicia. "Dorner Manhunt: Expert says 'This will end badly.'" *The Press-Enterprise* [Riverside, CA] 7 Feb. 2013), a cause of death invented by law enforcement in the late 1980s and codified by psychologists soon after (Smith, Martin J. "Asking to die: Higgs' death may be another case of 'aggravated suicide.'" *Orange County Register* 2 May 1988: A1). More generously referred to as "victim-precipitated homicide," most euphemistically as "police-assisted suicide," suicide by cop "casts a police officer as the unwitting genie in a stranger's death wish. . . . [T]he police officer is victimized by being forced into someone else's trauma" (Lubrano, Alfred. "'Suicide by cop' forces police to do the killing." *New York Daily News* 4 June 1989: B2). In 1989, police psychologists estimated that 1% to 2% of all officer-involved shootings were instances of suicide by cop (*ibid.*). A decade later, peer-reviewed studies—sponsored by law enforcement and in one case even co-authored by an active homicide bureau detective—had revised the numbers drastically upward. In the case of the Los Angeles Sheriff's Department, an incredible 25% of all police killings were found to be "suicides" (Hutson, H. Range et al. "Suicide by Cop." *Annals of Emergency Medicine*. 32.6 [1998]: 665). Furthermore, the "actual number of cases of suicide by cop in the area of Los Angeles County patrolled or investigated by LASD is likely higher. Some individuals attempting suicide by means of suicide by cop may have surrendered before an officer-involved shooting occurred and therefore would not have been included in this study" (*ibid.*). In advocating for a bizarre new category of death perhaps best described as police-assisted non-suicide, it becomes obvious the lengths to which law enforcement will go to legitimize police killings.¶ This unholy alliance of academia and law enforcement has a long history: from Max Weber outlining how the state can effectively deploy coercive force, to Émile Durkheim asserting that the steady presence of crime is useful in uniting communities against a designated criminal enemy, to John Alderson's creation of the community policing model (which replaced the aggressive "professional" model previously endorsed by academics), to Kelling and Wilson's discredited broken windows theory, to "information-led" policing that utilizes quantitative mathematical techniques and Geographic Information Systems analysis (including CompStat, which directly draws on Weber's principles of bureaucracy and rational organizational structures), to "scientific" evidence-based policing, to the UK's National Intelligence Model, to the Chicago Alternative Policing Strategy, to the hot spot policing strategies at the heart of the LAPD's anti-gang initiatives, and so on. In a measure of just how interdisciplinary the field of

for my rights for demanding that I be treated as a equal human being. That day I made a life decision that i will not tolerate racial derogatory terms spoken to me. Unfortunately I was swatted multiple times for the same exact reason up until junior high. Terminating me for telling the truth of a caucasian officer kicking a mentally ill man is disgusting. Don't ever call me a fucking bully. I want all journalist to utilize every source you have that specializes in collections for your reports. With the discovery and evidence available you will see the truth.<sup>39</sup> Unfortunately, I will not be alive to see my name cleared. That's what this is about, my name.

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"police studies" has become, we have the more recent strategy of "reassurance policing," in which "the reassurance function of policing recognises and seeks to harness the dramaturgical power of formal social control. It works through the enactment of signs and symbols of authority in order to exert influence over the perceptual field of citizens" (Innes, Martin. "The Reassurance Function." *Policing: A Journal of Strategy and Management*. 1.2 [2007]: 133). The officer "performs" the role of reassurance, manipulating symbols and signals, delivering formal social control and buttressing the production of social order. "Police science" programs receive millions of dollars in grant money to produce research like this. The Department of Justice itself notes that "the advancement of science in policing is essential if police are to retain public support and legitimacy" (Weisburd, David and Peter Neyroud. "Police Science: A New Paradigm." *New Perspectives in Policing*. 2011: 1). Universities are to "become active participants in the everyday world of police practice," something already realized at schools like Cardiff University, whose Universities' Police Science Institute is a joint venture with South Wales Police. In addition to promoting evidence-based policing strategies, police science also produces evidence of its own efficacy: namely, "evidence that its practices improve public safety," which is "essential if policing is to gain legitimacy and secure investment in an increasingly skeptical world of public services in which the competition for public finance is growing ever more acute" (ibid. 2).¶ The Office of Chief Medical Examiner of the City of New York (OCME) has links to New York University that stretch back to 1933 when the school established the country's first Department of Forensic Science; the city's medical examiners have held faculty positions at NYU ever since. As an additional perk, OCME's headquarters is located on NYU-owned real estate that the university provides to the city rent-free ("History of the Office of Chief Medical Examiner." *NYC Office of Chief Medical Examiner*. The City of New York, 2013). With an assist from the university's anthropology department and its bone histology program, human remains from the 9/11 World Trade Center attacks were identified with the help of twenty NYU medical student volunteers, most of whom had been in medical school for only a few weeks (Goldstein, Barry M. *Being There: Medical Student Morgue Volunteers Following 9-11*. Rochester: University of Rochester Press, 2005). The OCME has also worked directly with the NYPD to promulgate the use of "suicide by cop" as an official cause of death (Neitzel, Amber R. and James R. Gill. "Death Certification of 'Suicide by Cop.'" *Journal of Forensic Sciences*. 56.6 [2011]: 1657-1660).

39 The killings are a means to an end: an investigative report utilizing research, interviews, and the primary source documents that Dorner believed would clear his name. The media dug up a few of these documents, only to selectively quote them in their search for "hints" as to his personality and mental state (e.g. Knickerbocker, Brad. "Christopher Dorner: Experts look for clues to alleged cop killers mental state." *Christian Science Monitor* 9 Feb. 2013).

The Board reasoned that, although there were inconsistencies in the testimony, the testimony of Adrid, Sergeant Perez, and Sergeant Hernandez was consistent with the original report by appellant and Sergeant Evans. Although Richard Gettler's testimony supported appellant's assertion that Sergeant Evans kicked Gettler, the Board found his testimony not credible because it was inconsistent with his son's testimony. The Board also noted that Gettler's mental illness affected his ability to give an accurate account of the incident and found that Gettler's videotaped statement, alleging one kick, was not credible.

The Board found that appellant had failed to report the alleged kicks, despite numerous opportunities to do so, and that his testimony regarding his reasons for not reporting the kicks was not credible. The Board also found that the injury to Gettler's face was caused when he fell into the bushes.

The Board found there was evidence that appellant had a motive to make a false complaint, citing Sergeant Evans's testimony that appellant was going to receive an unsatisfactory probationary rating if he did not improve his performance and that the kicks were reported the day after appellant received an evaluation. The Board concluded that appellant was not credible and found him guilty of the charges against him.

#### *Decision of the Trial Court*

Appellant filed a petition for writ of administrative mandamus, which the trial court denied. The court stated that, after an independent review of the administrative record, the court was "uncertain whether the training officer kicked the suspect or not." Because the court was not convinced that the administrative findings were wrong, the court found that appellant failed to carry his burden of establishing that the administrative findings were contrary to the weight of the



#### *Testimony of Detective Villanueva*

Detective Villanueva worked in the Internal Affairs Criminal Section of the LAPD and investigated the excessive force complaint against Sergeant Evans. During her investigation, she tried to interview Gettler, but she was told by Gettler's grandmother and father that Gettler probably would be unable to answer simple questions because of his severe mental illness. She did not ask Gettler's father about the incident at the DoubleTree Hotel.

Based on Detective Villanueva's interviews of three DoubleTree employees and Sergeant Evans, she concluded that appellant falsely accused Sergeant Evans of kicking Gettler. Her investigation did not reveal any evidence to support appellant's allegation that Sergeant Evans intentionally kicked Gettler.

#### *Testimony of Christopher Gettler*

The Board brought Gettler in to question him during the administrative hearing, but his responses generally were incoherent and nonresponsive. A videotaped interview of Gettler, taken on December 8, 2008, was shown at the administrative hearing.

#### *Decision of the Board*

The Board stated that the primary issue in the case was whether Sergeant Evans actually kicked Gettler or not. After reviewing all the evidence, the Board stated that it could not find that the kicks occurred. The Board pointed out that, although Gettler's clothes were soiled, consistent with testimony that he and appellant fell in the bushes, there was no "visible dirt transfer" on Gettler's white shirt to support the allegation that Sergeant Evans kicked him in the shoulder or chest area.

A man is nothing without his name. Below is a list of locations where I resided from childhood to adulthood.

Cerritos, CA.  
Pico Rivera, CA.  
La Palma, CA.  
Thousand Oaks, CA.  
Cedar City, UT.  
Pensacola, FL.  
Enid, OK.  
Yorba Linda, CA.  
Las Vegas, NV.

During the BOR an officer named, Sgt. Hernandez,<sup>40</sup> from Los Angeles Port Police testified on behalf of the LAPD. Hernandez stated for the BOR that he arrived at the location of the UOF<sup>41</sup> shortly before I cuffed the suspect. He also stated that he assisted in cuffing the suspect and that's old the BOR he told me to fix my tie. All of those statements were LIES!!! Hernandez, you arrived at the UOF location up to 30 seconds after I had cuffed Mr. Gettler. All you did was help me lift the suspect to his feet as it was difficult for me to do by myself because of his heavy weight. You did not tell me to fix my tie as the BOR members and everyone else in the room know you lied because the photographic evidence from the UOF scene where Gettler's injuries were photographed clearly shows me wearing a class B uniform on that day.<sup>42</sup> A class B uniform is a short sleeved uniform blouse. A short sleeved uniform blouse for the LAPD does not have a tie included.<sup>43</sup> This is not Super Troopers uniform, you jackass.<sup>44</sup> Why did you feel the need to embellish and lie about your involvement in the UOF? Are you ashamed that you could not get hired on by any other department other than port police? Do you have delusions of grandeur? What you did was perjury, exactly what Evans did when she stated she did not kick Christopher Gettler.

40 Eddie Hernandez. In 2008, Hernandez was reprimanded by his superiors after authorizing another officer to fire three bean bag rounds at a suspicious box found in the middle of a road instead of notifying the LAPD bomb squad as department guidelines mandated. He spent the next three years in court fighting his demotion and, like Dorner, battling to restore his name (Eddie Hernandez v. City of Los Angeles. CA 2/8, Court of Appeals of the State of California. 12 Sep. 2012. 2).

41 Use of Force (see footnote 15).

42 The Board of Rights conceded that there were "inconsistencies" in Hernandez's testimony (see Appendix E; Christopher Dorner v. Los Angeles Police Department et al. CA 2/4, Court of Appeals of California. 3 Oct 2011. 15).

43 Like most police departments, the LAPD does not require officers in the field to wear ties (*The Manual of the Los Angeles Police Department*. Vol 3. 2005. 107).

44 The 2001 Hollywood film *Super Troopers*, a comedy about inept Vermont State Troopers. The characters' uniforms include ties.

What they failed to mention in the BOR was Teresa Evans own use of force history during her career on the LAPD. She has admitted that she has a lengthy use of force record and has been flagged several times by risk management. She has a very well known nickname, Chupacabra, which she was very proud to flaunt around the division. She found it very funny and entertaining to draw blood from suspects and arrestees. At one point she even intentionally ripped the flesh off the arm of a woman we had arrested for battery (sprayed her neighbor with a garden water hose). Knowing the woman had thin elastic skin, she performed an Indian burn<sup>45</sup> to the woman's arm after cuffing her. That woman was in her mid-70's, a mother and grandmother, and was angry at her tenants who failed to pay rent on time. Something I can completely understand and I am sure many have wanted to do toward tenants who do not pay their rent.<sup>46</sup> Teresa Evans was also demoted from a senior lead officer rank/position for performance issues. During my two months of working patrol with Teresa Evans, I found her as a woman who was very angry that she had been pulled from patrol for a short time because of a domestic violence report made by Long Beach Police Department because of an incident involving her active LAPD officer boyfriend, Dominick Fuentes,<sup>47</sup> and herself. Dominick Fuentes is the same officer investigated for witness tampering.<sup>48</sup> She also was visibly angry on a daily basis that she was going to have to file for bankruptcy because her ex-husband, a former LAPD officer and not Dominick Fuentes, who had left the department, state, and was nowhere to be found had left her with a tax bill and debt that she was unable to pay because of a lack of financial means. Evans, you are a POS and you lied right to the BOR panel when Randy Quan<sup>49</sup> asked you if you kicked

45 "A juvenile torment inflicted by grasping a person's wrist or forearm with both hands and twisting the skin sharply in opposite directions, causing a painful burning sensation" ("Chinese burn, n." OED Online. December 2012. Oxford University Press). This is reportedly referred to as "policeman's glove" in Bulgaria. ("Snake Bites and Indian Burns." *Playground Jungle*. n.p. 27 Feb. 2011).

46 n.b. What Dornier "can completely understand" is spraying difficult people with garden hoses, not applying juvenile torments to the flesh of grandmothers.

47 Most recently a desk jockey at 77th Street Division.

48 Leonard, Jack. "LAPD cop allegedly tainted jurors." *Los Angeles Times* 12 Dec. 2008: B1. Criminal charges were never filed ("Justice for Arturo." *Justice for Arturo*. Blogspot. com. 21 Dec. 2011).

49 Randal Kevin Quan, whom the police union assigned to represent Dornier during his Board of Rights hearings. A retired LAPD Captain, Quan oversaw the department's jail operations before he left the force in 2002. He also championed the use of high-tech solutions to monitor and reduce racial profiling in one of the LAPD's many parries to the 2001 consent decree that never amounted to anything ("LAPD eyes PDAs to monitor racial profiling." *CNN Tech*. CNN, 4 Mar. 2002). He retired a few months after being promoted to Captain—an honorific with a pension bump. He had already been hired as the new Chief of Police at California State Polytechnic University, Pomona, a \$107,000-a-year job from which he was fired six months later (Leveque, Rod.

For example, he said that Sergeant Evans had slapped his hand on two occasions. Sergeant Evans had told appellant that she was having difficulties at home regarding a domestic violence incident and was having financial difficulties. Appellant did not report the difficulties in his relationship with Sergeant Evans because he was still on probation and did not want to cause problems.

Appellant received a weekly evaluation report dated July 29 to August 4, 2007, in which Sergeant Evans indicated that appellant needed to improve in the areas of report writing, officer safety, suspects, prisoners, and use of common sense and good judgment. He testified that the evaluation did not bother him because he had received similar reports from other officers but had never received an unsatisfactory evaluation, which he described as "a silver bullet."

#### *Testimony of Richard Gettler*

Richard Gettler testified that his son was schizophrenic with severe dementia. He explained that his son sometimes was verbal and able to respond, but other days he was not responsive. Gettler sometimes wandered from home, but his father usually did not report him as missing because he knew the police always brought him home.

Gettler's father stated that when the officers brought his son home on July 28, 2007, he asked Gettler if he had been in a fight because his face was puffy. Gettler told him that he was kicked at the hotel, so they drove around until Gettler directed his father to the DoubleTree, where Gettler pointed to the wall and indicated the incident happened near there. Gettler told his father he was kicked in the chest twice by a police officer, but his father decided not to report it because he assumed it was an accident and Gettler was not hurt.

the number of use of force incidents she had because she was on a list to become a sergeant.

When they began writing the use of force report, appellant felt that he was struggling with an ethical dilemma about the use of force, but he had forgotten some of the use of force policies because of his long military deployment. He acknowledged writing the first part of the arrest report but testified that he and Sergeant Evans disagreed about the report and that she deleted what he had written and wrote it herself. Appellant also acknowledged that he reviewed the report but reiterated that he was hesitant to report misconduct because he was afraid of retaliation. When he realized the kicks were not in the report, he decided to report them to Sergeant Perez.

Appellant testified that he called Sergeant Perez because he wanted to speak with someone who worked in Internal Affairs before reporting the incident. Sergeant Perez stopped him from telling him about the incident and instead urged him to report it to his supervisor, telling appellant that he would report it if appellant did not. Sergeant Perez followed up by calling appellant to be sure he had reported it.

Appellant had asked Sergeant Evans several times for reintegration training after his deployment and had spoken with other officers about it, but he was told that probationary officers did not receive reintegration training. On July 28, 2007, appellant gave Lieutenant Grossman a request for the training, and she said that he could attend. Appellant asked to go to reintegration training at the academy because he did not want to work with Sergeant Evans any more.

Appellant testified that Sergeant Evans had not given him unsatisfactory evaluations, but he thought that personal issues she had told him about were affecting her work and causing her to be angry and difficult to approach.

Christopher Gettler. You destroyed my life and name because of your actions. Time is up. The time is now to confess to Chief Beck.<sup>50</sup>

<sup>50</sup> “Former police chief sues Cal Poly Pomona.” *The California State University Daily News Clips*. Public Affairs Department of The California State University, 27 Jan. 2004). Numerous articles and press releases still incorrectly describe him as the first Asian-American Captain in LAPD history, a designation that belongs to retired Commander Paul Kim (Kang, Connie K. “Showing the Way: Paul Kim Becomes LAPD’s 1st Asian American Captain.” *Los Angeles Times* 25 Jan. 1996: 4). Quan co-authored a 2000 article weighing the pros and cons of various less-lethal weapons when confronting subjects armed with such implements of destruction as “rocks, sticks . . . and frying pans.” The review comes down most enthusiastically on the side of the Bean Bag Baton, a weapon that appears as a normal side handle baton but that also functions as a discreet shotgun capable of firing a single 12-gauge round—less-lethal or otherwise. In other words, a zip gun that you can beat people with (Quan, Randal K. et al. “Portable, Less Lethal Alternatives.” *Law & Order*. 48.9 [2000]: 32-35). Now an attorney, most of Quan’s clients are police officers facing disciplinary actions (see Appendix A; Search Warrant. Superior Court of California, County of Orange. 6 Feb. 2013. 16). Quan’s daughter, Monica, was killed on February 3rd along with her fiancé, Keith Lawrence. Monica Quan was a through and through civilian, an assistant basketball coach at California State University Fullerton, while Lawrence was a Public Safety Officer at the University of Southern California, armed and empowered to make arrests both on and off campus in close cooperation with the LAPD. He received his POST certificate (see footnote 21) after graduating from the Ventura County Sheriff’s Academy and serving nine months as an officer trainee at the Oxnard Police Department (Potkey, Rhiannon. “No motive found for shooting death of former Moorpark basketball star, fiancée in Irvine.” *Ventury County Star* 4 Feb. 2013). Dorner allegedly did extensive research on his targets and was likely well aware of Quan and Lawrence’s respective backgrounds.

LAPD Chief of Police Charlie Beck. His past assignments include stints at South Bureau’s CRASH unit and at Internal Affairs. The media crafted Beck’s reformer image from the moment he was nominated for the position. KPCC proclaimed that Beck “seemed to be the man civil rights groups wanted to see as the next chief,” in a report that contained no interviews with civil rights groups, police reform advocates, or community members (“Charlie Beck named as next LAPD chief.” Narr. Stoltze, Frank. Southern California Public Radio, 3 Nov. 2009). According to the *Times*, he singlehandedly rehabilitated Rampart Division and transformed it into the mystical, corruption-free division that it is today (Rubin, Joel. “Charlie Beck named L.A.’s new chief of police.” *Los Angeles Times* 17 Nov. 2009). Eric Garcetti, the odds-on favorite to be the city’s next mayor, had noted that a key requirement of the job was to be able to “project the charisma to be accepted in all parts of the city” (Rutten, Tim. “Antonio’s chief.” *Los Angeles Times* 4 Nov. 2009: A27). Outgoing Chief William Bratton compared him to Gary Cooper; Beck helped out by delivering quotes like “It was a job of action, and you made a difference in people’s lives. I remember a girl who was gang-raped. It took me weeks, but I hunted down every person involved” (Clark, Champ. “LAPD Dynasty.” *People* 22 Feb. 2010: 95-96). One of Beck’s main innovations as LA’s top cop is his savvy approach to marketing the LAPD. He blankets the media with press conferences, public statements, photo ops, editorials, interviews, and a general air of accessibility. Beck has a knack for countering accusations of LAPD impropriety by capitalizing upon its own infamy: first by transforming any accusations into generalized “criticisms” instead of claims of specific misconduct, and then by imputing those criticisms to the past, to an old LAPD that no longer exists. “Significant progress” and “great strides” have been made; they’ve “changed the culture” of the department—which, by the way, is now a “majority minority” police force, perfectly representative of the city’s population, rendering all allegations of racism obsolete.

I ask that all journalist investigating this story submit request for FOIA with the LAPD to gain access to the BOR transcripts which occurred from 10/08 to 2/09.<sup>51</sup> There, you will see that a video was played for the BOR members of Mr. Christopher Gettler who suffers from Schizophrenia and Dementia stating that he was kicked by a female officer. That video evidence supports my claim that Evans kicked him twice in the upper body and once in the face.<sup>52</sup> I would like all journalist to also request copies of all reports that I had written while employed by LAPD. Whether in the academy, or during my 3 years as a police officer. There are DR#'s<sup>53</sup> attached to each report (investigative report) that I have ever written so they all exist. A FOIA request will most likely be needed to access these at Parker center or at the Personnel/Records. Judge my writin/grammar skills for yourself. The department attempted to paint me as an officer who could not write reports.<sup>54</sup> Even though Sgt. Joel Sydanmaa a training officer who trained me stated for the BOR panel that there was nothing wrong with my report writing and that I was better than all rookie/probationer officers he has ever trained. Officer David Drew stated the same but refused to testify as he did not want to "get involved" with the BOR's. Contact Sgt. Donald Deming ,(now a Captain at Lompoc PD), Sgt. Thaddeus Faulk, and Sgt. Ed Clark. All will state that my report writing was impeccable. I will tell you this, I always type my reports because I have messy handwriting/penmanship. I never had a single kickback/redlined report at Southwest division and Sgt. Faulk and Sgt. Clark can testify to that. I never received an UNSATISFACTORY on any day or week. The same can be said within the U.S. Naval Reserves. All commanders will state that my report writing was always clear, concise, and impeccable. Even search my AAR (after action reports),chits, Memorandum's, IIR's

51 The *Los Angeles Times* was the only news outlet that took up Dorner's challenge. The first sentence of the resulting article refers to Dorner's "reputation as a 'hot head'" before proceeding to push the usual revenge narrative. ("Dorner had history of complaints against fellow LAPD officers." *Los Angeles Times* 9 Feb. 2013) The *Times* did not publish or share the full transcripts from the closed hearings.

52 The Board of Rights ruled that "Gettler's mental illness affected his ability to give an accurate account of the incident and found that Gettler's videotaped statement, alleging one kick, was not credible." Gettler's father also gave testimony that supported Dorner's claims, but he was also judged as "not credible" because of unspecified inconsistencies with his son's testimony (see Appendix E; Christopher Dorner v. Los Angeles Police Department et al. CA 2/4, Court of Appeals of California. 3 Oct 2011. 15).

53 Division Report numbers. Case file numbers, essentially.

54 Evans had criticized Dorner's arrest reports, namely his unfamiliarity with "specific verbiage" concerning uses of force. She was also unhappy with the amount of time he spent writing them. Evans revised the use of force section in the Gettler report three times before it was finally filed (see Appendix E; Christopher Dorner v. Los Angeles Police Department et al. CA 2/4, Court of Appeals of California. 3 Oct 2011. 6-9).

Sergeant Jackson say that his story was consistent with Sergeant Evans's, he knew that Sergeant Evans had not reported the kicks, so he thought about saying something then, but he did not. He did not feel comfortable speaking with Sergeant Jackson because Sergeant Jackson and Sergeant Evans got along well.

Appellant also testified that he was hesitant to report the kicks because when he was in the police academy, he had reported an incident in which two recruits were using a racial epithet against another recruit. He had been shunned by other recruits after that, so he did not want to speak up again.

Appellant stated that he did not think the kicks were necessary and that he would not have kicked the suspect, but he thought they might have fallen within the use of force policy. Appellant was not sure if the kicks were wrong because he had been away for over a year during his military deployment and had not received reintegration training, despite his request for the training.

After Gettler was arrested, Sergeant Evans and appellant presented him to the watch commander, Lieutenant Andrea Grossman. Appellant did not report the kicks to Lieutenant Grossman because he was not asked and he knew that probationary officers did not speak to Lieutenant Grossman unless spoken to. He also was hesitant because he knew that Sergeant Evans and Lieutenant Grossman were friends. Gettler did not report being kicked. The medical form filled out by appellant asked if the arrestee had any injuries or medical problems, and appellant had written that Gettler had a minor scratch on his face.

When appellant and Sergeant Evans were in the car later, Sergeant Evans asked appellant if he was comfortable with the use of force, and appellant replied that he was. Sergeant Evans then stated that they would not mention the kicks in the report. Appellant did not reply because he was trying to avoid conflict with her. He said that Sergeant Evans previously had told him she was trying to limit



Appellant and Gettler walked about 15 feet away, with Sergeant Evans a little behind them and on Gettler's left side. Gettler suddenly stopped, turned to Sergeant Evans and yelled at her, at which point Sergeant Evans took appellant's taser. Appellant thought Gettler was about to hit Sergeant Evans, so he tried to drag Gettler to the ground and ended up pushing Gettler toward the bushes. Gettler turned around and started pushing appellant in an attempt to get away, so appellant pushed back, and they both fell in the planter box. Appellant was trying to straddle Gettler to gain control of his hands, and after he got Gettler's left hand he heard two taser bursts.

Appellant was trying to grab Gettler's right arm, which was pressed against the wall, but Gettler did not comply. Sergeant Evans went into the bushes, between the bushes and the wall, lifted Gettler by his hair, and told him to give appellant his arm. Appellant testified that Gettler did not have blood on his face at that point. Sergeant Evans then stood up and kicked Gettler twice in the left clavicle. Gettler yelled, and then Sergeant Evans kicked him on the left cheek, causing him to start bleeding. Gettler said, "Is this all you want?" and gave appellant his right arm to be handcuffed. Sergeant Hernandez then drove up, got out of his car, asked if they needed help, and helped pick Gettler up.

Sergeant Jackson arrived and began his investigation. He asked what appellant did during the use of force, so appellant told him that force was used to try to gain control of the suspect's hands and that he thought he heard Sergeant Evans use a taser. Appellant did not report the kicks by Sergeant Evans because Sergeant Jackson asked him only what his own involvement was.

Appellant testified that Sergeant Jackson spoke with Sergeant Evans first and that after Sergeant Jackson spoke with appellant, appellant heard him say that appellant's story was consistent with Sergeant Evans's. When appellant heard

(Intelligence Information Reports) which were written in the Navy. All were pristine.

I had worked patrol at LAPD's Harbor Division from 2/06 until 7/06 when I was involuntarily recalled back to active duty (US Navy) for a 12 month mobilization/deployment to Centcom<sup>55</sup> in support of OIF/OEF.<sup>56</sup> I returned back to LAPD's Harbor division on 7/07 and immediately returned to patrol. I worked at Harbor division until 11/07 where I then transferred to Southwest Division. I worked At Southwest division until 6/25/08 when I was relieved of duty.

I have exhausted all available means at obtaining my name back. I have attempted all legal court efforts within appeals at the Superior Courts and California Appellate courts. This is my last resort. The LAPD has suppressed the truth and it has now lead to deadly consequences. The LAPD's actions have cost me my law enforcement career that began on 2/7/05 and ended on 1/2/09. They cost me my Naval career which started on 4/02 and ends on 2/13.<sup>57</sup> I had a TS/SCI clearance(Top Secret Sensitive Compartmentalized Information clearance) up until shortly after my termination with LAPD. This is the highest clearance a service member can attain other than a Yankee White TS/SCI which is only granted for those working with and around the President/Vice President of the United States. I lost my position as a Commanding Officer of a Naval Security Forces reserve unit at NAS Fallon<sup>58</sup> because of the LAPD. I've lost a relationship with my mother and sister because of the LAPD.<sup>59</sup> I've lost a relationship

55 United States Central Command. The Department of Defense command unit that oversees military operations in the Middle East.

56 Operation Iraqi Freedom/Operation Enduring Freedom. The official names for the Iraq and Afghanistan wars. Dorner spent six months of his deployment stationed in Bahrain playing a supporting role in the wars (Mcgregor, Ellen. "U.S. Navy releases records of triple shooting suspect Christopher Dorner." ABC. KGTV. San Diego, CA. 7 Feb 2013).

57 Dorner received an honorable discharge from the Navy in 2009 after not being recommended for continuation "for unknown reasons" (Emerson, Marcus. "Manhunt puts Nevada on alert. *Reno Gazette-Journal* 7 Feb. 2013). He spent 2010 to 2013 in the Individual Ready Reserve, a form of inactive duty that military personnel perform in order to fulfill their mandatory service obligations ("A Guide to the Individual Ready Reserve." *Navy Personnel Command*. US Navy, n.d.). Otherwise known as "weekend warriors," a humiliating title for a former Navy lieutenant with a Top Secret security clearance to assume.

58 Naval Air Station Fallon in Nevada, located one hour east of Reno. Home of the Navy Fighter Weapons School AKA the TOPGUN training program depicted in the 1986 Tom Cruise film of the same name ("Naval Air Station Fallon Naval Strike and Air Warfare Center (NSAWC)." *Commander Navy Installations Command*. US Navy, n.d.).

59 Nancy Dorner, the author's mother, eventually released a statement presuming her son's guilt (Conner, Kellan. "Christopher Dorner's Family Releases Statement." CW.

with close friends because of the LAPD. In essence, I've lost everything because the LAPD took my name and now I was INNOCENT!!! Capt Phil Tingirides, Justin Eisenberg, Martella, Randy Quan, and Sgt. Anderson all new I was innocent but decided to terminate me so they could continue Ofcr. Teresa Evans career. I know about the meeting between all of you where Evans attorney, Rico,<sup>60</sup> confessed that she kicked Christopher Gettler (excessive force).<sup>61</sup> Your day has come.

I'm not an aspiring rapper, I'm not a gang member, I'm not a dope dealer, I don't have multiple babies momma's. I am an American by choice, I am a son, I am a brother, I am a military service member, I am a man who has lost complete faith in the system, when the system betrayed, slandered, and libeled me. I lived a good life and though not a religious man I always stuck to my own personal code of ethics, ethos and always stuck to my shoreline and true North. I didn't need the US Navy to instill Honor, Courage, and Commitment in me but I thank them for re-enforcing it. It's in my DNA.

Luckily I don't have to live everyday like most of you. Concerned if the misconduct you were apart of is going to be discovered. Looking over your shoulder, scurrying at every phone call from internal affairs or from

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KTLA. Los Angeles, CA. 14 Feb. 2013). She was seen drinking white wine and eating chips and salsa as she watched her son's final moments unfold live on television ("Dorner's Mom Spotted Drinking Wine, Eating Chips While Watching Standoff." KCBS. Los Angeles, CA. 12 Feb. 2013).

60 Robert Rico, the LAPPL attorney who represented Teresa Evans during the investigation into Dorner's complaint. Rico was also the attorney for Sergeant Philip Jackson, the Harbor Division officer who conducted the initial Use of Force investigation on the night of the incident (Complaint Investigation, CF No. 07-004281. 25 Oct. 2007. 12). Rico has represented a litany of disgraced LAPD officers over the years including cocaine traffickers, convicted rapists, and one of the officers who sold police photos of pop star Rihanna after she was beaten by her boyfriend Chris Brown (Blankstein, Andrew and Richard Winton. "2 LAPD officers placed on paid leave as part of Rihanna photo investigation." *Los Angeles Times* 12 Sep. 2009: A8). In 2002, Rico offered to serve as co-counsel for Rampart officer Ethan Cohan, the CRASH unit cop who filed an infamous arrest report in 1998 stating that a suspect "was injured after he fell down a fire escape and after he battered all of the police officers" (Edds, Kimberly. "Former Rampart Officer Hires Colleague's Attorney for Beating Case." *Metropolitan News-Enterprise* [Los Angeles, CA] 25 June 2002: 3; Johnson, Akilah. "Former Officer Gets Probation in Rampart Case." *Los Angeles Times* 29 July 2003: B4). Other Rampart officers later testified that they and Cohan attacked the suspect unprovoked after finding him asleep. According to the testimony, Cohan "kicked him probably at least 20 times" (Glover, Scott and Matt Lait. "3 Ex-Rampart Officers Charged in Beating and Cover-Up." *Los Angeles Times* 27 Mar. 2001: A1).

61 Though secret meetings are a hallmark of conspiracy theory, Dorner later refers to this simply as a "conversation" that took place between members of the Board of Rights, the attorneys, and the internal affairs advocate (p. 21). These people were in the same room numerous times during the proceedings, sometimes without Dorner present.

### *Testimony of Sergeant Jackson*

When Sergeant Jackson arrived, he saw appellant, Sergeant Evans, Sergeant Hernandez, a few other officers, and Gettler in custody inside the police car. After learning from Sergeant Evans that use of force was involved, Sergeant Jackson began to interview people regarding the use of force. He interviewed the officers and the other witnesses individually and did not recall any of the witnesses reporting that kicks were used. When he inspected Gettler's injury, he saw blood on Gettler's face that he thought was from the bushes, but he did not see any bruising or other indication that Gettler had been kicked. Sergeant Jackson read several revisions of the arrest report prepared by appellant and Sergeant Evans, and he noticed Sergeant Evans becoming frustrated with the amount of time it was taking to prepare the report.

### *Testimony of Appellant*

Appellant testified that he graduated from the police academy in February 2006, but he left for a 13-month military deployment in November 2006. When he returned to the LAPD in July 2007, he was still on probation and was assigned to the San Pedro area with Sergeant Evans.

On July 28, 2007, appellant and Sergeant Evans received a call about a man refusing to leave the DoubleTree Hotel. When they arrived, they saw Gettler sitting on a bench, and appellant noticed a lot of people standing in front of the hotel. Appellant wanted to move Gettler away from the other people, so he asked Gettler to come speak with him, but he got no response. After asking Gettler several times, appellant placed his hand onto Gettler's wrist and pulled Gettler up from the bench.

officer needed help. When Sergeant Hernandez arrived, he saw “two officers crouched over, half in the bush and half not,” struggling with a suspect and trying to handcuff him. As he ran up to them, he saw them get the second handcuff on the suspect and saw appellant pick the suspect up. Sergeant Hernandez testified that appellant was wearing a dress uniform with a tie that was messed up, so he told appellant to fix his tie while he held the suspect for him. It was subsequently established that appellant was not wearing a dress uniform or a tie, based on testimony and a photo.

Sergeant Hernandez thought that Sergeant Evans had one foot in the planter and one on the sidewalk, and he never saw her in or behind the bushes. Sergeant Hernandez did not see Sergeant Evans taser Gettler or kick him.

#### *Testimony of Ashlye Perez*

Ashlye Perez was working at the DoubleTree as a bellhop on July 28, 2007. She was in the lobby of the hotel when she saw appellant and Sergeant Evans arrive at the hotel. The hotel doors were open, so she heard the officers ask Gettler to stand and ask if he was a guest at the hotel. After Perez went outside to try to usher hotel guests inside, she heard Gettler start yelling and saw the officers grab him to stop him from running away. She did not remember exactly what happened, but she saw Sergeant Evans use the taser, and she saw Gettler fall headfirst into the bushes. She noticed that some branches were broken when Gettler hit the bushes. Perez did not see Sergeant Evans go into the bushes or kick Gettler. Perez went back into the hotel, so she did not see the officers handcuff Gettler, but she saw Gettler struggling while the officers tried to get him out of the bushes. She noticed that Gettler had a cut on his face, which she thought was from hitting his face on the bushes.

the Captains office wondering if that is the day PSB comes after you for the suspects you struck when they were cuffed months/years ago or that \$500 you pocketed from the narcotics dealer,<sup>62</sup> or when the other guys on your watch beat a transient nearly to death and you never reported the UOF to the supervisor.<sup>63</sup> No, I don't have that concern, I stood up for what was right but unfortunately have dealt with the repercussions of doing the right thing and now losing my name and everything I ever stood for. You fuckers knew Evans was guilty of kicking (excessive force) Gettler and you did nothing but get rid of what you saw as the problem, the whistleblower. Gettler himself stated on video tape ( provided for the BOR and in transcripts) he was kicked and even his father stated that his son said he was kicked by Evans when he was released from custody.<sup>64</sup> The video was played for the entire BOR to hear. Tingirides, Eisenberg, and Martella all heard it. You're going to see what a whistleblower can do when you take everything from him especially his NAME!!!

Look what you did to Sgt. Gavin (now lieutenant) when he exposed the truth of your lying, racism, and PSB cover-ups to frame and convict an innocent man.<sup>65</sup> You can not police yourselves and the consent decree was

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- 62 Stealing drug money is an old LAPD tradition (“LAPD detective arrested on suspicion of stealing drug money.” *Daily News* [Los Angeles, CA] 27 Jan. 2012; Glover, Scott. “Rogue cop case to get its first full airing; Brothers are accused of staging police ‘raids’ to steal from drug dealers.” *Los Angeles Times* 5 Jan. 2008: B1; Glover, Scott and Matt Lait. “Officer Robbed Suspects, U.S. Says.” *Los Angeles Times* 15 June 2001: B1; Kelly, Daryl and Victor Merina. “Drug Team Sergeant Will Testify Against Crew.” *Los Angeles Times* 24 Feb. 1990: B1).
- 63 Beating homeless people is an old LAPD tradition (Wilson, Simone. “Jay Cicinelli, ex-LAPD Officer, Charged With Manslaughter in Kelly Thomas Beating.” *LA Weekly* 21 Sep. 2011; Abdollah, Tami. “Arrest leads to investigation: The LAPD is looking into allegations that officers beat a combative homeless woman.” *Los Angeles Times* 7 June 2007: B5; Glover, Scott and Matt Lait. “2 Former LAPD Officers Indicted in Assault Case.” *Los Angeles Times* 20 Oct. 2000: A1; Parker, Emanuel. “FBI to Probe LAPD Slaying of Black Woman.” *Los Angeles Sentinel* 3 June 1999: A1).
- 64 See Appendix E; Christopher Dorner v. Los Angeles Police Department et al. CA 2/4, Court of Appeals of California. 3 Oct 2011. 13.
- 65 Lieutenant Jim Gavin, formerly a Sergeant in the LAPD’s Internal Affairs Group. Gavin faced retaliation in 2005 after he uncovered evidence of police misconduct in a decades-old murder case that had ended with a man being sentenced to 16 years to life for a murder that he didn’t commit. Gavin’s findings seemed to exonerate Bruce Lisker in the brutal 1983 murder of his mother, but when his superiors got wind of it, they ordered him to stop his probe and to immediately close the case. Gavin’s work eventually led to a seven-month-long investigation by the *Times*, who published a 9,300-word front page story that revealed serious wrongdoing by both the homicide bureau, which had suppressed evidence), and IAG, which had systematically ignored or dismissed all of Lisker’s previous complaints (Glover, Scott and Matt Lait. “New Light on a Distant Verdict.” *Los Angeles Times* 22 May 2005: A1). It took four more years before a federal judge finally overturned Lisker’s conviction, capping what the *Times* called “a long legal odyssey to clear his name” during which he spent over 26 years in prison (Glover, Scott and Matt Lait. “Bruce Lisker won’t be retried for 1983

unsuccessful.<sup>66</sup> Sgt. Gavin, I met you on the range several times as a recruit and as an officer. You're a good man and I saw it in your eyes an actions.

Self Preservation is no longer important to me. I do not fear death as I died long ago on 1/2/09.<sup>67</sup> I was told by my mother that sometimes bad things happen to good people. I refuse to accept that.

From 2/05 to 1/09 I saw some of the most vile things humans can inflict on others as a police officer in Los Angeles. Unfortunately, it wasn't in the streets of LA. It was in the confounds of LAPD police stations and shops (cruisers). The enemy combatants in LA are not the citizens and suspects, it's the police officers.

People who live in glass houses should not throw stones. How ironic that you utilize a fixed glass structure as your command HQ.<sup>68</sup> You use as a luminous building to symbolize that you are transparent, have nothing to

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slaying of his mother." *Los Angeles Times* 22 Sep. 2009: A1). The LAPD charged Gavin with misconduct for leaking confidential information, transferred him to a training position in the city's outskirts, and modified his work schedule so that it was nearly impossible for him to spend time with his children. His wife, a Sergeant in the LAPD, received similar treatment. Gavin's promotion to Lieutenant years later had a catch: with it came a transfer to Central Division, where the lead detective from the Lisker case (who retired with a full pension and no repercussions) still had many friends. Gavin's old boss at internal affairs—the one who ordered him to shut down his investigation—has since been promoted to Captain (Glover, Scott. "Officer testifies in LAPD retaliation case." *Los Angeles Times* 5 Sep. 2008: B5). A federal court eventually shot down his retaliation lawsuit. His attorney at the time voiced displeasure "not just with the jury's verdict, but with what the verdict seems to be saying, which is that doing the right thing...is meaningless" (Glover, Scott. "Jury rejects LAPD retaliation lawsuit." *Los Angeles Times* 16 Sep. 2008: B5).

66 "Judge chastises LAPD for consent decree 'failure.'" Associated Press. LexisNexis. 23 Mar. 2006; Aubry, Larry. "Consent Decree: Compliance Without Complying?" *Los Angeles Sentinel* 13 Dec. 2007: A7.

67 The date on which the Board of Rights issued its decision to fire Dorner (Decision of the Board of Rights. 9 Feb. 2009: 1).

68 The Police Administration Building in downtown LA, completed in 2009 at a cost of \$437 million. "[W]hat it got for this enormous sum is less the product of the architects' imaginations than of the need to cloak an air of openness over a hardened pile of post-9/11 trepidations. . . . You cannot help but feel that the design flows from an institution struggling to live down its reputation for corruption, political intrigue, brutality, and racism, and not from the pens of designers anxious to give the city an entirely different idea about a much-reviled and distrusted department" (Goldin, Greg. "Crit> LAPD Headquarters." *The Architect's Newspaper* 18 Nov. 2009). The site includes an acre of public space, but the grass, palm trees, and assortment of native plants have been dying for years, scorched by the reflection from the building's glass. It turns out that then-Chief of Police William Bratton never intended for the park to be used by sunbathers and frisbee-tossers; rather, he envisioned it as "a staging area for police horses or other large scale action" (Fox, Hayley. "City agrees to manage dogged LAPD lawn after nature burns it." *blogdowntown*. Southern California Public Radio, 29 Dec. 2011).

both feet in the planter. Adrid saw the cut on Gettler's nose but did not see any other injuries.

#### *Testimony of Sergeant Perez*

Sergeant Perez met appellant in 2004 or 2005, when they were both in the United States Navy Reserves. While appellant was in the police academy, he told Sergeant Perez that a classmate had used a racial epithet against him (appellant is black) and continued doing so after appellant asked him to stop. Appellant reported the incident to a supervisor.

In August 2007, Sergeant Perez was camping at a lake when he noticed he had received several phone calls from appellant; he tried calling him back, but service was intermittent. Over a series of five or six calls, appellant told Sergeant Perez that he was not getting along with Sergeant Evans and that Sergeant Evans had kicked a suspect who was either handcuffed or had one handcuff on. Appellant asked Sergeant Perez if he needed to report the incident, and Sergeant Perez said appellant needed to tell a supervisor immediately or else Sergeant Perez would do it himself. Sergeant Perez asked appellant about the arrest report, and appellant alluded to Sergeant Evans having changed the report or told appellant to change it. When appellant started telling Sergeant Perez about the incident, Sergeant Perez stopped appellant because Sergeant Perez knew he might become a witness in any investigation. A few days later, appellant told Sergeant Perez he had reported the incident to Captain Deming.

#### *Testimony of Sergeant Hernandez*

Sergeant Hernandez was an officer with the Port Police at the time of the incident. He responded to the DoubleTree Hotel when he heard a call that an



appellant was unfamiliar with the “specific verbiage” used to describe their actions. Appellant reviewed the report before it was turned in to Sergeant Jackson for approval. The use of force report stated that Gettler’s injury was consistent with the use of force involved in arresting him and did not state that Sergeant Evans kicked Gettler.

Sergeant Evans previously had told appellant that he needed to take less time in writing arrest reports. She also had indicated in an evaluation that appellant needed to improve in the areas of officer safety and common sense and good judgment. Appellant received the evaluation on August 9, 2007.

#### *Testimony of Christopher Adrid*

Adrid was working as a bellman at the DoubleTree Hotel on the date of the incident. He saw Gettler on a bench in the lobby, talking to himself, so he asked Gettler if he was a hotel guest. When Gettler said he was not staying at the hotel, Adrid asked him to sit on a bench outside the hotel.

When appellant and Sergeant Evans arrived, Adrid saw them ask Gettler to take his hands out of his pockets and approach them. Gettler stood up and walked toward the officers, but when he tried to run away, appellant tackled him. Adrid testified that he saw Gettler and appellant fall into the bushes, which were about four feet high, although in an earlier interview, he had said he did not see appellant tackle Gettler. Adrid testified that Sergeant Evans was telling Gettler to put his hands behind his back or else she would use the taser. Gettler did not comply, so Sergeant Evans shot him with the taser, and then he complied and was handcuffed. Sergeant Evans stepped into the planter and helped appellant and Gettler get up. Adrid did not see Sergeant Evans crouch in the bushes or kick Gettler. He said that Sergeant Evans had one foot in the planter and one on the sidewalk and never had

hide, or suppress when in essence, concealing, omitting, and obscuring is your forte.<sup>69</sup>

Chief Beck, this is when you need to have that come to Jesus talk with Sgt. Teresa Evans and everyone else who was involved in the conspiracy to have me terminated for doing the right thing. you also need to speak with her attorney, Rico, and his conversation with the BOR members and her confession of guilt in kicking Mr. Gettler. I’ll be waiting for a PUBLIC response at a press conference. When the truth comes out, the killing stops.

Why didn’t you charge me with filing a false police report when I came forward stating that Evans kicked Mr. Christopher Gettler? You file criminal charges against every other officer who is accused and terminated for filing a false police report. You didn’t because you knew I was innocent and a criminal court would find me innocent and expose your department for suppressing the truth and retaliation, that’s why.<sup>70</sup>

The attacks will stop when the department states the truth about my innocence, PUBLICLY!!! I will not accept any type of currency/goods in exchange for the attacks to stop, nor do i want it. I want my name back,

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69 As the radio show *Design and Architecture* asks, “can architecture change the perception, and practice, of policing?” (“Welcoming Police Stations; A Sustainable Supersize House.” *Design and Architecture*. Host Frances Anderton. KCRW. Los Angeles, CA. 17 Nov. 2009). *Governing* magazine has the answer: “Today’s Rampart Division station reflects a new conception of the police department’s relation with the community. Inside, the station offers a 24-hour ATM. A first floor community room opens out onto a pleasant patio and barbecue area, both of which are routinely used by community groups. The station’s grounds feel like a park. Stray soccer balls, not random bullets, are now Rampart Division’s biggest concern” (Buntin, John. “Arresting Design.” *Governing*. July 2010: 38).

70 The LAPD terminated Dorner for filing a false report, but charging him with criminal misconduct would have meant a public trial before an actual judge and jury. While he was able to appeal the Board of Rights’s decision to a real court, that made him an appellant, meaning the burden of proof was shifted onto him. Instead of the LAPD having to prove that Dorner lied, now it was Dorner who had to prove that the Board of Rights was wrong when it called him a liar. The odds were not in his favor, as the appellate court judge made clear: “Sergeant Evans herself testified that she did not kick Gettler. Her testimony alone would have been sufficient to support the Board’s findings.” The judge also noted that the Board “simply found Dorner not credible and thus implicitly found Sergeant Evans credible” (see Appendix E; Christopher Dorner v. Los Angeles Police Department et al. CA 2/4, Court of Appeals of California. 3 Oct 2011. 20). It wasn’t the responsibility of an appeals court to judge whether Dorner was credible or not. He wasn’t a defendant, so he couldn’t call character witnesses or show evidence of his integrity—like the time he found and returned a bank bag containing nearly \$8,000 in cash to the church that had lost it:

“The military stresses integrity,” Dorner said. “There was a couple of thousand dollars, and if people are willing to give that to a church, it must be pretty im-

period. There is no negotiation. I am not the state department who states they do not negotiate with terrorist, because anybody with a Secret or TS/SCI has seen IIR's on SIPR<sup>71</sup> and knows that the US state department always negotiates by using CF<sup>72</sup> countries or independent sovereign/neu-tral country to mediate and compromising.

This department has not changed from the Daryl Gates<sup>73</sup> and Mark Fuhrman<sup>74</sup> days. Those officers are still employed and have all promoted to Command staff and supervisory positions. I will correct this error. Are you aware that an officer (a rookie/probationer at the time) seen on the Rodney King videotape striking Mr. King multiple times with a baton on 3/3/91 is still employed by the LAPD and is now a Captain on the police department? Captain Rolando Solano<sup>75</sup> is now the commanding officer of a LAPD police station (West LA division). As a commanding officer, he is now responsible for over 200 officers. Do you trust him to enforce department policy and investigate use of force investigations on arrestees by his officers? Are you aware Evans has since promoted to Sergeant after

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portant to them." He said it was "a little scary" having that much money in front of him.

Dorner said his mother taught him honesty and integrity. "I didn't work for it, so it's not mine. And it was for the church," he said. "It's not so much the integrity, but it was someone else's money. I would hope someone would do that for me." (Barron, Robert. "Vance students turn in lost church money." *Enid News & Eagle* [Enid, OK] 5 Nov. 2002)

To win his appeal, Dorner would have had to demonstrate that the Board of Rights was derelict in its duty, its findings "inherently improbable."

- 71 Usually referred to as SIPRNet, or Secure Internet Protocol Router Network. The U.S. military's version of the internet, run by the Department of Defense. It was taken offline after B. Manning used it to download the diplomatic cables that later became the WikiLeaks cable dump.
- 72 Official country code for the Central African Republic. Could also refer to the wider Central Africa region, which includes countries like Sudan, Chad, and the Democratic Republic of Congo.
- 73 LAPD Chief of Police from 1978 to 1992. Among other legacies, Gates invented the SWAT team, formed an Intelligence Division to spy on "subversives," created the CRASH anti-gang units at the heart of the Rampart scandal, defended a deadly chokehold by blaming black people's arteries, advocated the summary execution of casual drug users, and actively developed the racist policies and systems of corruption that, according to Dorner, still permeate the department.
- 74 The LAPD detective whose handling of the O.J. Simpson murder investigation in 1994 revealed not just one detective's disturbing history of racism, sexism, corruption, and violence, but also the extent to which the LAPD tolerated such employees.
- 75 Solano was in fact not seen on video striking King. News outlets caught Dorner's error a full five days after they published his communiqué. In an article entitled "Christopher Dorner Manifesto Mistakes"—which actually only mentions this one mistake—*Business Insider* declared that "Dorner's manifesto has it all wrong" (Rogers, Abby. "Christopher Dorner Manifesto Mistakes." *Business Insider* 12 Feb. 2013). Rolando Solano did not beat Rodney King; he merely watched other officers beat

the subject were walking near a planter box on the sidewalk, the subject suddenly swung at appellant and said, "fuck you." Sergeant Evans took a taser from appellant's duty belt and called for backup.

While appellant was trying to gain control of the suspect, Sergeant Evans told the subject to stop or she would use the taser. Appellant and the suspect fell into the bushes in the planter box, and the suspect's arm was wedged against a wall. After Sergeant Evans shot Gettler twice with the taser, appellant was able to control Gettler's left wrist and place handcuffs on him. Sergeant Evans went behind the bushes and crouched down to help appellant control Gettler's right arm. After about 30 seconds of struggling, Gettler let the officers handcuff him and said, "Is that what you wanted? Here you go." Sergeant Evans denied kicking Gettler in the face or the shoulder area.

Appellant then helped Gettler stand and placed him in a police car. Sergeant Evans noticed that Gettler had a laceration on his cheek, but no other injuries. There were no boot marks on Gettler's face or shirt and no bruising on his face. When Gettler was taken to the police station, he did not tell the watch commander or a physician, who treated his facial injuries, that he was kicked in the face.

After Gettler was in custody, other officers arrived, including Sergeant Phil Jackson. Sergeant Jackson interviewed Sergeant Evans about the use of force and interviewed other witnesses at the scene.

Sergeant Evans and appellant discussed the incident so appellant could write the arrest report, but she stated that appellant took too long to write the report. Appellant asked Sergeant Evans several questions about how to complete the use of force section, which underwent about three revisions by Sergeant Evans and Sergeant Jackson. Sergeant Evans testified that the revisions were mainly to articulate what specific actions the officers took during the incident because

After Captain Deming retired from the LAPD, appellant called to tell him he was being investigated for false statements. Captain Deming expressed surprise, and appellant told him, “No matter what happens, I just want you to know I never lied to you.” Captain Deming testified that appellant’s performance was satisfactory while he was under his supervision.

Following appellant’s complaint about Sergeant Evans, appellant believed someone urinated on his equipment bag at the police station. Appellant thought this was in retaliation for his complaint against Sergeant Evans and filed a complaint about this incident. However, an analysis of the unknown substance on appellant’s jacket revealed that the substance was not urine.

#### *Testimony of Sergeant Evans*

Sergeant Evans was the field training officer assigned to train appellant, who was a probationary employee. She testified that appellant had expressed to her the need for reintegration training because he had been away for a long time during his military deployment.<sup>2</sup>

Sergeant Evans and appellant responded to a call around 8:46 a.m. on July 28, 2007. When they arrived, they saw the subject sitting on a bench outside the main door of the hotel. Based on the subject’s demeanor and gaze, the officers thought he was either suffering from mental illness or under the influence, so they discussed a plan to isolate him from the numerous pedestrians in the area.

Appellant told the subject to stand up, but he did not comply, so appellant placed his hand on the subject’s arm and helped him stand. When appellant and

kicking Mr. Gettler in the face. Oh, you Violated a citizens civil rights? We will promote you.<sup>76</sup> Same as LAPD did with the the officers from Metro involved in the May Day melee at MacArthur Park.<sup>77</sup> They promoted them to Sergeant (a supervisor role).

No one is saying you can’t be prejudiced or a bigot. We are all human and hold prejudices. If you state that you don’t have prejudices, your lying! But, when you act on it and victimize innocent citizens and fellow innocent officers, than that is a concern.

For you officers who do the job in the name of JUSTICE, those of you who lost honest officers to this event, look at the name of those on the BOR and the investigating officers from PSB and Evans and ask them, how come you couldn’t tell the truth? Why did you terminate an honest officer and cover for a dishonest officer who victimized a mentally ill citizen.

Sometimes humans feel a need to prove they are the dominant race of a species and they inadvertently take kindness for weakness from another individual. You chose wrong.

Terminating officers because they expose a culture of lying, racism (from the academy<sup>78</sup>), and excessive use of force will immediately change. PSB

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him while aiming his gun at King. Solano later did his part in reinforcing the LAPD’s code of silence, testifying that his fellow officers’ baton swings were “aimed at King’s arms and shoulders and only hit his head by mistake” (Newton, Jim. “Officer Backs Defendants in King Case.” *Los Angeles Times* 3 Mar. 1993: B1). Solano was suspended for 22 days for his role in the beating, the longest suspension the LAPD can mete out without having to convene a Board of Rights. Barely five months out of the academy, Solano’s involvement apparently wasn’t enough to violate the terms of his probation.

76 “‘I have a running joke,’ said attorney Gregory Smith, who has filed about 50 lawsuits on behalf of officers against the Los Angeles Police Department. ‘If I sue a supervisor, they’re going to get promoted within the next six months. Why that happens is anybody’s guess’” (Lin, C.J. “LAPD Lawsuits: Bad Loss in Court No Bar to Success, Promotions.” *Daily News* [Los Angeles, CA] 6 Nov. 2011: A1).

77 The May 1st, 2007 incident in which the LAPD shut down a permitted immigrants rights rally by firing hundreds of less-lethal rounds and indiscriminately swinging 36-inch-long steel batons at demonstrators and reporters alike (Blankstein, Andrew and Richard Winton. “Chief vows full inquiry into violence.” *Los Angeles Times* 3 May 2007: A1). The city paid out \$13 million to settle a multitude of lawsuits. Police Chief William Bratton publicly called for 19 officers to be disciplined and for 4 to be fired, but the harshest punishment that the Board of Rights handed out was a 20-day suspension for one officer (Martinez, Edecio. “LAPD Says No Officers Fired for May Day Melee.” *CBS News*. CBS. 2 July 2009). Per state law, the names of the officers were never made public (see footnote 22).

78 In 2006, Dorner issued a complaint against two academy classmates alleging that they had repeatedly used a racial epithet against him. The complaint was sustained against one of the recruits (Complaint Investigation, CF No. 07-004281. 25 Oct. 2007. 6n8).

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<sup>2</sup> Appellant left for a 13-month military deployment shortly after his graduation from the police academy..

can not police their own and that has been proven. The blue line will forever be severed and a cultural change will be implanted. You have awoken a sleeping giant.

I am here to change and make policy. The culture of LAPD versus the community and honest/good officers needs to and will change. I am here to correct and calibrate your morale compasses to true north.

Those Caucasian officers who join South Bureau divisions (77th, SW, SE, an Harbor)<sup>79</sup> with the sole intent to victimize minorities who are uneducated, and unaware of criminal law, civil law, and civil rights. You prefer the South bureau because a use of force/deadly force is likely and the individual you use UOF on will likely not report it. You are a high value target.

Those Black officers in supervisory ranks and pay grades who stay in south bureau (even though you live in the valley or OC) for the sole intent of getting retribution toward subordinate caucasians officers for the pain and hostile work environment their elders inflicted on you as probationers (P-1's)<sup>80</sup> and novice P-2's.<sup>81</sup> You are a high value target. You perpetuated the cycle of racism in the department as well. You breed a new generation of bigoted caucasian officer when you belittle them and treat them unfairly.

Those Hispanic officers who victimize their own ethnicity because they are new immigrants to this country and are unaware of their civil rights. You call them wetbacks to their face and demean them in front of fellow officers of different ethnicities so that you will receive some sort of acceptance from your colleagues. I'm not impressed. Most likely, your parents or grandparents were immigrants at one time, but you have forgotten that. You are a high value target.

Those lesbian officers in supervising positions who go to work, day in day out, with the sole intent of attempting to prove your misandrist authority (not feminism) to degrade male officers.<sup>82, 83</sup> You are a high value target.

79 Encompassing South Central L.A.

80 Police Officer I.

81 Police Officer II.

82 It is perhaps not that surprising that a male cop would feel threatened by women. He twice unsuccessfully sought restraining orders against ex-girlfriends (Hernandez, Miriam. "Chris Dorner ex-girlfriend speaks out, describes him as 'paranoid.'" KABC. Los Angeles, CA. 8 Feb. 2013).

83 "To condemn misandry is to have higher standards of conduct for women than for men. It is to be so frightened about feminism per se that not a taint of ordinary human corruption can be allowed into it. It is to accept the idea of oppression only on the

### *Testimony of Captain Deming<sup>1</sup>*

In August 2007, Captain Deming was a sergeant assigned as an assistant watch commander at the Harbor Division of the LAPD. On August 10, 2007, appellant spoke with Captain Deming about an incident on July 28, 2007, involving the use of force during Gettler's arrest at a DoubleTree Hotel in San Pedro.

Appellant told Captain Deming he had something bad to report, and he "expressed remorse that he failed to report what he believed to be misconduct (unnecessary kicks applied to an arrestee) that he witnessed approximately two weeks prior." Appellant said that he had handcuffed the suspect and was struggling with him when Sergeant Evans (Officer Evans, at the time) kicked the suspect twice in the left shoulder area and once in the face. Appellant had not told Sergeant Jackson about the kicks when Sergeant Jackson conducted a use of force investigation, and Sergeant Evans later discouraged appellant from disclosing she had kicked the suspect. Appellant was unsure what to write about the incident on the arrest report, so Sergeant Evans completed the report, "omitting any reference to the kicks." Appellant was visibly upset when he spoke with Captain Deming, and Captain Deming believed this was caused by fear of repercussions for reporting misconduct by a training officer. Because of his fear of repercussions, appellant told Captain Deming, "Promise me you won't do anything." Appellant testified that the reason he asked Captain Deming not to do anything was that he knew Sergeant Evans had a child to support and he did not want her to lose her job.

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<sup>1</sup> At the time of the hearing, he was a captain with the Lompoc Police Department.



Appellant Christopher Dorner, an officer with the Los Angeles Police Department (LAPD), made a complaint against his field training officer, Sergeant Teresa Evans, accusing her of kicking a suspect, Christopher Gettler (Gettler). The Los Angeles Police Department Board of Rights (Board) found that appellant's complaint was false and therefore terminated his employment for making false statements. Appellant filed a petition for a writ of administrative mandamus in the superior court pursuant to Code of Civil Procedure section 1094.5, seeking to overturn the decision of the Board. The superior court denied his petition, and he now appeals. We affirm.

#### FACTUAL AND PROCEDURAL BACKGROUND

Appellant was charged in a formal written complaint with three counts: count 1, on August 10, 2007, making false statements to Sergeant D. Deming, who was conducting an official investigation; count 2, on October 9, 2007, making false statements to Detectives S. Gallegos and T. Lai, who were conducting an official investigation; count 3, on August 10, 2007, making a personnel complaint that he knew or should have known was false. The Board held a series of hearings at which the following witnesses testified: appellant, Captain Donald Deming, Sergeant Evans, Sergeant Leonard Perez, Sergeant Eddie Hernandez of the Los Angeles Port Police, Sergeant Phil Jackson, Sergeant Julie McInnis, Detective Shelly Villanueva (formerly Gallegos), Christopher Adrid, Ashlye Perez, Christopher Gettler, and Richard Gettler.

Those Asian officers who stand by and observe everything I previously mentioned other officers participate in on a daily basis but you say nothing, stand for nothing and protect nothing. Why? Because of your usual saying, "I.....don't like conflict". You are a high value target as well.

Those of you who "go along to get along" have no backbone and destroy the foundation of courage. You are the enablers of those who are guilty of misconduct. You are just as guilty as those who break the code of ethics and oath you swore.

Citizens/non-combatants, do not render medical aid to downed officers/enemy combatants. They would not do the same for you.<sup>84</sup> They will let you bleed out just so they can brag to other officers that they had a 187 caper the other day and can't wait to accrue the overtime in future court subpoenas.<sup>85</sup> As they always say, "that's the paramedics job...not mine". Let the balance of loss of life take place. Sometimes a reset needs to occur.

It is endless the amount of times per week officers arrest an individual, label him a suspect-arrestee-defendant and then before arraignment or trial realize that he is innocent based on evidence. You know what they say when they realize an innocent man just had his life turned upside down?. "I guess he should have stayed at home that day he was discovered walking down the street and matching the suspects description. Oh well, he

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condition that the real, ugly effects of oppression be denied. It is to consider feminism a moral movement and not a political movement" (Russ, Joanna. "The New Misandry." *The Village Voice* 12 Oct. 1972: 88).

84 Glover, Scott and Matt Lait. "Shooting Scenes Rigged, Perez Says; Scandal: Police planted gun while victim bled to death, according to informant." *Los Angeles Times* 10 Feb. 2000: A1; "Lawyer Claims Police Lied after L.A. Shootout; Officers Accused of Faking Booby-Trap Concern to Avoid Helping Bleeding Suspect." *Daily News* [Los Angeles, CA] 13 Apr. 1997: N3; "Neighbors: LAPD Was Negligent at Scene of Shooting." *Los Angeles Sentinel* 17 Aug. 1989: A16.

85 A 2006 report found that the LAPD was wasting over \$1 million a month paying overtime to officers while they sat in courthouses for hours on end while waiting to testify in hearings (which were often delayed if they weren't called off altogether due to plea bargains). This also included officers who simply remained on call to testify on their days off. Interviews with officers revealed that "some police spend their on-call time exercising at local gyms, visiting relatives or even working part-time jobs close to the courthouse—all the while getting paid a minimum of two-and-a-half hours at time and a half. One officer said he regularly racks up 20 hours of court overtime a month, supplementing his \$78,000 salary. The average amount of overtime at the LAPD is \$58 an hour" (Kandel, Jason. "Rising Costs: Police overtime pay out of control as officers, prosecutors pass blame." *The IRE Journal*. 29.1 [2006]: 16). This system also has the effect of incentivizing arrests, which might explain why there always seem to be certain officers in every city who rack up inexplicably high arrest numbers that far exceed the department average. Moreover, "[p]rosecutors blamed police, in rare instances, for 'engineering' overtime by making an arrest, for example, at the end of their shift and having to book a suspect and do paperwork on overtime" (ibid.).

appeared to be a dirtbag anyways”. Meanwhile the falsely accused is left to pick up his life, get a new, family, friends, and sense of self worth.

Don’t honor these fallen officers/dirtbags. When your family members die, they just see you as extra overtime at a crime scene and at a perimeter. Why would you value their lives when they clearly don’t value yours or your family members lives? I’ve heard many officers who state they see dead victims as ATV’s, Waverunners, RV’s and new clothes for their kids. Why would you shed a tear for them when they in return crack a smile for your loss because of the impending extra money they will receive in their next paycheck for sitting at your loved ones crime scene of 6 hours because of the overtime they will accrue.<sup>86</sup> They take photos of your loved ones recently deceased bodies with their cellphones and play a game of who has the most graphic dead body of the night with officers from other divisions. This isn’t just the 20 something year old officers, this is the 50 year old officers with significant time on the job as well who participate.<sup>87</sup>

You allow an officer, Thaniya Sungruenyos,<sup>88</sup> to attempt to hack into my credit union account and still remain on the job even when Det. Zolezzi<sup>89</sup> shows the evidence that the IP address (provided by LAPFCU<sup>90</sup>) that attempted to hack into my account and change my username and password leads directly to her residence. You even allow this visibly disgusting looking officer to stay on the job when she perjures (lies) in court (Clark County Family Court) to the judge’s face and denies hacking into my personal credit union online account when I attempted to get my restraint order extended. Det. Zolezzi provided the evidence and you still do nothing.

How do you know when a police officer is lying??? When he begins his sentence with, “based on my experience and training”.

86 In 2010, the *Los Angeles Times* voiced alarm over new rules meant to reign in the \$100 million per year that the LAPD was spending on overtime. According to the paper, homicide detectives were now suddenly being “benched for working too hard,” their investigations frozen in place because they were unable to interview witnesses while actually on shift. New caps on overtime were also blocking them from following “other potentially important leads,” we learn. One South Bureau detective, Sal LaBarbera, even blamed the overtime caps for his squad’s dismal solve rate. And, as in every *Times* article about police reforms, we learn that the new policy is “taking a toll on morale” and jeopardizing officers’ crimefighting abilities (Rubin, Joel. “Investigations sit idle as LAPD detectives hit overtime caps.” *Los Angeles Times* 12 Apr. 2010: A1).

87 Ironically, it was 25-year veteran Det. LaBarbera who in 2011 tweeted a cellphone photo of a murder victim using the Twitter handle @LAMurderCop. (Wilson, Simone. “Cops on Twitter? LAPD Detective Tweets Photo of Dead Body, Writes, ‘It Never Ends.’” *LA Weekly* 17 Oct. 2011).

88 Dorner’s ex-girlfriend (see footnote 83).

89 Michael Zolezzi, Detective in the Cold Case Sexual Assault Unit.

90 Los Angeles Police Federal Credit Union.

## NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

### IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

#### SECOND APPELLATE DISTRICT

#### DIVISION FOUR

CHRISTOPHER DORNER,

Plaintiff and Appellant,

v.

LOS ANGELES POLICE  
DEPARTMENT et al.,

Defendants and Respondents.

B225674

(Los Angeles County  
Super. Ct. No. BS120439)

COURT OF APPEAL - SECOND DIST.

FILED

OCT - 3 2011

JOSEPH A. LANE Clerk

Deputy Clerk

APPEAL from a judgment of the Superior Court of Los Angeles County,  
David P. Yaffe, Judge. Affirmed.

Law Office of David J. Duchrow, Jill A. Piano and David J. Duchrow for  
Plaintiff and Appellant.

Carmen A. Trutanich, City Attorney, Claudia McGee Henry, Assistant  
City Attorney, and Gregory P. Orland, Deputy City Attorney, for Defendants  
and Respondents.

No one grows up and wants to be a cop killer. It was against everything I've ever was. As a young police explorer I found my calling in life.<sup>91</sup> But, As a young police officer I found that the violent suspects on the street are not the only people you have to watch. It is the officer who was hired on to the department (pre-2000) before polygraphs were standard for all new hires and an substantial vetting in a background investigation.

To those children of the officers who are eradicated, your parent was not the individual you thought they were. As you get older, you will see the evidence that your parent was a tyrant who lost their ethos and instead followed the path of moral corruptness. They conspired to hide and suppress the truth of misconduct on others behalf's. Your parent will have a name and plaque on the fallen officers memorial in D.C. But, In all honesty, your parents name will be a reminder to other officers to maintain the oath they swore and to stay along the shoreline that has guided them from childhood to that of a local, state, or federal law enforcement officer.

Bratton, Beck, Hayes,<sup>92</sup> Tingirides, Eisenberg, Martella, Quan, Evans, Hernandez, Villanueva/Gallegos, and Anderson. Your lack of ethics and conspiring to wrong a just individual are over.

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91 Dorner was enrolled in the police Explorer youth recruitment program in nearby La Palma, CA. In 1998, eight LAPD officers assigned to the Explorer programs at Rampart and Northeast Divisions were accused of 95 counts of misconduct related to the sexual assaults of at least three children in the program (McGreevy, Patrick. "LAPD Widens Inquiry of Explorer Program." *Daily News* [Los Angeles, CA] 9 Apr. 1998: N9). Deputy Chief and former LAPD spokesperson David Kalish, who had been the Explorer program supervisor at Devonshire Division, was charged in 2003 with sexually assaulting three Explorer Scouts in the 1970s while he was "in his police uniform, carrying a gun, in his police vehicle and on duty." He avoided criminal prosecution due to what the District Attorney called "a technicality." Kalish then threatened the city with a defamation lawsuit, resulting in a settlement that allowed him to retire with full benefits including a \$10,000-a-month pension (Lait, Matt and Richard Winton. "Kalish, City Reach Settlement." *Los Angeles Times* 19 Mar. 2004: B1). In 2005, George Stan, a 15-year LAPD veteran who ran Devonshire Division's Explorer program two decades after Kalish, was arrested and eventually pled guilty to sexually assaulting seven Explorers (Kim, Victoria. "Former police Explorer sues." *Los Angeles Times* 29 Jan. 2010: A18). The program has since been renamed "LAPD Cadets."

92 Captain William P. Hayes, former Commanding Officer of Harbor Division who signed off on the disciplinary action that placed Dorner on inactive duty (See Appendix G; Intradepartmental Correspondence. Los Angeles Police Department 20 June 2008. 1). Currently Commanding Officer of the prestigious Robbery-Homicide Division. But it was his time as Commander of the Pacific Patrol Division that is perhaps most relevant to Dorner's story. It was there in 2005 that Hayes met Sergeant Randolph Franklin, a former marine who joined the LAPD in 1984. Hayes decided that he didn't like him and then proceeded to ruin Franklin's career in a series of bureaucratic retaliations that culminated in an early morning SWAT raid on the Sergeant's home. As the *Los Angeles Times* reported, Hayes and the rest of the Pacific Division command staff disliked Franklin's "in-your-face personality." They had filed at least six misconduct complaints against him, alleging "neglect of duty, failing to complete reports and

Suppressing the truth will leave to deadly consequences for you and your family. There will be an element of surprise where you work, live, eat, and sleep. I will utilize ISR<sup>93</sup> at your home, workplace, and all locations in between. I will utilize OSINT<sup>94</sup> to discover your residences, spouses workplaces, and children's schools. IMINT<sup>95</sup> to coordinate and plan attacks on your fixed locations. Its amazing whats on NIPR.<sup>96</sup> HUMINT<sup>97</sup> will be utilized to collect personal schedules of targets. I never had the opportunity to have a family of my own, I'm terminating yours. Quan, Anderson, Evans, and BOR members Look your wives/husbands and surviving children directly in the face and tell them the truth as to why your children are dead.

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similar missteps." When Franklin's superior submitted a positive evaluation report, Hayes personally re-wrote it, downgrading marks and adding notes referring to "deficiencies in Franklin's time management and writing skills." While it might seem like petty sniping, these evaluations had the power to make or break officers' careers. One day, with typical bureaucratic flourish, Hayes subtly added Franklin's home address to a list of targets in a gang unit's search warrant. Franklin awoke at 4 A.M. the next morning to a full SWAT team outside his house complete with helicopters, K-9 units, and snipers perched on his neighbors' porches. They ordered him to come out:

Before Franklin pulled open the front door and walked into the blinding glare of spotlights, he put himself between his little boy and girl and took their hands in his own. "I wanted the police to be able to see our hands," he recalls. "I didn't want to give them any reason to shoot us."

Franklin is a tightly wound man. When he describes the LAPD's six-hour search of his house, his jaw clenches and he seethes words like "degrading" and "humiliating." He recalls how he was made to sit in the back of a police van with his children, guarded by someone wearing the same uniform he wore each day. He remembers how neighbors gathered to gawk as drug-sniffing dogs were led inside, dogs that left paw prints on his bed. He talks about the quiet fury he felt as his demands for an explanation were ignored.

"They came into my house," he says. "That's my family. My reputation."

. . . He no longer thinks of being an LAPD cop as anything but a paycheck. "I used to be proud of my job," he says. "Now, it's just something I muddle through each day—just something I do to support my family. . . . This whole dream is dead." (Rubin, Joel. "After police raid, bitterness replaces pride for LAPD officer." *Los Angeles Times* 27 May 2009: A1)

A jury later found that the officers who signed the warrant had deliberately falsified information, remarking that their conduct had been "outrageous." Franklin was not awarded damages, however, since he couldn't prove that the officers' actions were part of a plan (i.e. a conspiracy) to harm him. Captain Hayes and other command staff were never held accountable for their actions; most of them were promoted and moved on to other divisions. Franklin will likely never make it to Lieutenant, even with 29 years on the force (and counting).

93 Intelligence, Surveillance, and Reconnaissance.

94 Open Source Intelligence.

95 Imagery Intelligence.

96 Non-classified Internet Protocol Router Network. The Department of Defense's private network for the sharing of sensitive but unclassified information.

97 Human Intelligence.

## APPENDIX E



Never allow a LAPPL union attorney to be a retired LAPD Captain,(Quan). He doesn't work for you, your interest, or your name. He works for the department, period. His job is to protect the department from civil law-suits being filed and their best interest which is the almighty dollar. His loyalty is to the department, not his client. Even when he knowingly knows your innocent and the BOR also knows your innocent after Christopher Gettler stated on videotape that he was kicked and Evans attorney confessed to the BOR off the record that she kicked Gettler.

The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants-TJ.<sup>98</sup> This quote is not directed toward the US government which I fully support 100%. This is toward the LAPD who can not monitor itself. The consent decree should not have been lifted, ever.

I know your TTP's, (techniques, tactics, and procedures). Any threat assessments you generate will be useless. This is simple, I know your TTP's and PPR's.<sup>99</sup> I will mitigate any of your attempts at preservation. ORM<sup>100</sup> is my friend. I will mitigate all risks, threats and hazards. I assure you that Incident Command Posts will be target rich environments. KMA-367<sup>101</sup> license plate frames are great target indicators and make target selection even easier.

I will conduct DA<sup>102</sup> operations to destroy, exploit and seize designated targets. If unsuccessful or unable to meet objectives in these initial small scale offensive actions, I will reassess my BDA<sup>103</sup> and re-attack until objectives are met. I have nothing to lose. My personal casualty means nothing. Just alike AAF's,<sup>104</sup> ACM's,<sup>105</sup> and AIF's,<sup>106</sup> you can not prevail against an enemy combatant who has no fear of death. An enemy who embraces death is a lose, lose situation for their enemy combatants.

Hopefully you analyst have done your homework. You are aware that I have always been the top shot, highest score, an expert in rifle qualifica-

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98 "And what country can preserve it's liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure" (Jefferson, Thomas. Letter to William Stephens Smith. 13 Nov. 1787).

99 Pre-Planned Response.

100 Operational Risk Management.

101 Obsolete LAPD radio call sign. License plate frames emblazoned with "KMA-367" are meant to indicate that the driver of the car is, or used to be, an LAPD employee.

102 Direct Action.

103 Battle Damage Assessment.

104 Anti-Afghanistan Forces.

105 Anti-Coalition Militia.

106 Anti-Iraqi Forces.

tions in every unit I've been in.<sup>107</sup> I will utilize every bit of small arms training, demolition, ordnance, and survival training I've been given.

Do you know why we are unsuccessful in asymmetrical and guerrilla warfare in CENTCOM theatre of operations? I'll tell you. It's not the inefficiency of our combatant commanders, planning, readiness or training of troops. Much like the Vietnam war, ACM, AAF, foreign fighters, Jihadist, and JAM<sup>108</sup> have nothing to lose. They embrace death as it is a way of life. I simply don't fear it. I am the walking exigent circumstance you created.

The Violence of action will be HIGH. I am the reason TAC alert<sup>109</sup> was established. I will bring unconventional and asymmetrical warfare to those in LAPD uniform whether on or off duty. ISR is my strength and your weakness. You will now live the life of the prey. Your RD's<sup>110</sup> and homes away from work will be my AO<sup>111</sup> and battle space. I will utilize every tool within INT collections that I learned from NMTC in Dam Neck.<sup>112</sup> You have misjudged a sleeping giant. There is no conventional threat assessment for me. JAM, New Ba'ath party,<sup>113</sup> 1920 rev BGE,<sup>114</sup> ACM, AAF, AQAP,<sup>115</sup> AQIM<sup>116</sup> and AQIZ<sup>117</sup> have nothing on me. Do not deploy airships or gunships. SA-7 Manpads<sup>118</sup> will be waiting. As you know I also own Barrett .50's<sup>119</sup> so your APC<sup>120</sup> are defunct and futile.

You better have all your officers radio/phone muster (code 1)<sup>121</sup> on or off duty every hour, on the hour.

Do not attempt to shadow or conduct any type of ISR on me. I have the inventory listing of all UC<sup>122</sup> vehicles at Piper Tech<sup>123</sup> and the home

107 Dorner was awarded a Rifle Marksman Ribbon and a Pistol Expert Medal during his time in the Navy.

108 Jaish al-Mahdi. Also known as the Mahdi Army or Mahdi Militia. Iraqi insurgents.

109 Tactical Alert. Called by the LAPD whenever a heavy police presence is needed.

110 Residential Development.

111 Area of Operation.

112 The Navy and Marine Corps Intelligence Training Center in Dam Neck, Virginia.

113 American military idiom for the Iraqi insurgent group composed of former members of Saddam Hussein's socialist Ba'ath Party.

114 1920 Revolution Brigades, a Sunni militia group in Iraq.

115 Al-Qaeda in the Arabian Peninsula.

116 Al-Qaeda in the Islamic Maghreb.

117 Zarqawi's Al-Qaeda in Iraq.

118 Man-Portable Air Defense Systems. Shoulder-mounted surface-to-air missile launchers.

119 A high-powered military sniper rifle. Uses six-inch armor-penetrating bullets.

120 Armored Personnel Carrier.

121 Radio dispatch code for Acknowledge Call/Respond over Radio. Similar to a "ping."

122 Undercover.

123 C. Edwin Piper Technical Center in downtown L.A. Contains LAPD garages.



Los Angeles Police Department  
Los Angeles, California

## News Release

February 6, 2013

NR13037an

### *LAPD Statement on Former Officer Wanted in Double Homicide*

**Los Angeles:** Los Angeles Police Department (LAPD), issues a statement regarding former LAPD officer who is wanted in connection with a double homicide that occurred on February 4, 2013 in the City of Irvine.

The Los Angeles Police Department is working in coordination with the Irvine Police Department regarding the investigation related to Christopher Jordan Dorner. Christopher Dorner is wanted by the Irvine Police Department for a double homicide that occurred in their City last week.

The Department has learned that Christopher Dorner has made threats against members of the LAPD and we are taking those threats very seriously as we do all threats against our personnel and the public. Our Department is implementing all measures possible to ensure the safety of our LAPD personnel, their families and the Los Angeles Community, and will continue to do so until Dorner is apprehended and all threats have been abated.

The Los Angeles Police Department stands united with the Irvine Police Department in urging the public to provide information that will assist authorities in locating Dorner as soon as possible.

Dorner is to be considered armed and extremely dangerous and we ask that anyone who sees Dorner, to not approach or attempt contacting him, but to immediately call 911 and notify law enforcement authorities. The Los Angeles Police Department will remain in constant communication with the Irvine Police Department until Dorner is apprehended.

The only information that the Department will confirm regarding Dorners' previous employment is that he was employed as a police officer from February 7, 2002 until September 4, 2008 when his employment with the Department terminated.

Anyone with information is asked to call 1-877-LAPD-24-7 (877-527-3247). Anyone wishing to remain anonymous should call Crime Stoppers at 1-800-222-TIPS (800-222-8477). Tipsters may also contact Crime Stoppers by texting to phone number 274637 (C-R-I-M-E-S on most keypads) with a cell phone. All text messages should begin with the letters "LAPD." Tipsters may also go to LAPDOnline.org, click on "webtips" and follow the prompts.

###

addresses of any INT analyst at JRIC<sup>124</sup> and detachment locations. My POA<sup>125</sup> is always POI<sup>126</sup> and always true. This will be a war of attrition and a Pyrrhic and Camdean<sup>127</sup> Victory for myself. You may have the resources and manpower but you are reactive and predictable in your plans and TTP's. I have the strength and benefits of being unpredictable, unconventional, and unforgiving. Do not waste your time with briefs and tabletops.

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124 The Joint Regional Intelligence Center, in which police departments across the greater Los Angeles region share intelligence information with the FBI.

125 Point of Aim. Firearm aiming technique.

126 Point of Impact.

127 Cadmean. Similar to Pyrrhic.

## APPENDIX D

## APPENDIX A

## DECISION OF THE BOARD OF RIGHTS and EXECUTION OF THE ORDER

CHRIS DORNER, #37381

BOX FILE NO. 25233

DATED JULY 7, 2008

TO THE CHIEF OF POLICE:

## DECISION OF THE BOARD

CHIEF OF POLICE

The above-entitled matter came on regularly for hearing before this Board of Rights on the verified complaint of W.J. BRATTON, filed with the Board of Police Commissioners on AUGUST 07, 20 08, all preliminary and jurisdictional requirements having been substantially complied with: The accused having been provided all rights set forth in the Los Angeles City Charter Section 1070, the Board having heard all evidence properly and legally offered and the accused given a reasonable opportunity to defend against the charges preferred.

After a full and impartial hearing on its merits, the Board deliberated and carefully considered all the evidence adduced before it at such hearing and upon such evidence and not otherwise base and hereby certifies its decision as follows:

The Board finds that accused is GUILTY OF COUNTS 1, 2, AND 3.

The Board therefore prescribes its penalty as follows: Police Officer Chris Dorner be removed as a  
Police Officer with total loss of pay, effective September 5, 2008.

We hereby certify to the above:

P. TINGRIDES Chairperson CAPTAIN

J. EISENBERG Member CAPTAIN

Dated JANUARY 02, 2009

T. MARTELLA	Member	CIVILIAN
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## EXECUTION OF THE ORDER

To CHRIS DORNER, #37381, member of the Los Angeles Police Department:

Under the power conferred upon me by Section 1070, Article X, Charter of the City of Los Angeles, and pursuant to the above order of the Board of Rights, I hereby:

- 2) Remove you from your position as Police Officer \_\_\_\_\_ in the Los Angeles Police Department effective September 5, 2008.
- ☐ Suspend you from your position as \_\_\_\_\_ in the Los Angeles Police Department, for a period of \_\_\_\_\_ working days with total loss of pay, effective \_\_\_\_\_, 20\_\_\_\_.
- ☐ Demote you from your position as \_\_\_\_\_, Code No. \_\_\_\_\_, to the position of \_\_\_\_\_, Code No. \_\_\_\_\_, effective \_\_\_\_\_, 20\_\_\_\_.
- ☐ Restore you to your position as \_\_\_\_\_ in the Los Angeles Police Department.

Dated \_\_\_\_\_

Chief of Police

The time limit for seeking review of this administrative determination and preparation of record is governed by Section 1094.6 of the California Code of Civil Procedure. See reverse side for that Sect on.

### CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon CHRIS DORNER #37381  
at 1100 hours February 9, 2009.

- ☐ By handing him/her thereof personally at \_\_\_\_\_ (address)

☒ By forwarding a copy thereof by first-class mail postage prepaid, addressed to him/her at last known address at  
4931 Sharon Dr., La Palma, Ca 90623  
 (address) *700*

## ACCUSED

Member of the Los Angeles Police Department

**SEARCH WARRANT  
STATE of CALIFORNIA, COUNTY of ORANGE,  
SEARCH WARRANT AND AFFIDAVIT  
(AFFIDAVIT)**

Police Officer / Detective Jonathan Sampson declares under penalty of perjury that the facts expressed by him/her in the attached Statement of Probable Cause incorporated herein by reference at this point, are true and that based thereon he/she has probable cause to believe and does believe that the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and are now located at the locations set forth below. Wherefore, Affiant requests that this Search Warrant be issued.

*J. Sampson*  
(Signature of Affiant)

NIGHT SEARCH REQUESTED: YES (X) NO ( )

**(SEARCH WARRANT)**

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY CALIFORNIA SHERIFF, PEACE OFFICER OR INVESTIGATOR: Proof by affidavit, under penalty of perjury, having been made before me by Peace Officer / Detective Jonathan Sampson that there is probable cause to believe that the property or person described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X" (s).

- ☐ (a)(1) When the property was stolen or embezzled.
- ☒ (a)(2) When the property or things were used as the means of committing a felony.
- ☒ (a)(3) When the property or things are in the possession of any person with the intent to use them as a means of committing a public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing them from being discovered.
- ☒ (a)(4) When the property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.
- ☐ (a)(5) When the property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Penal Code Section 311.11, has occurred or is occurring.
- ☒ (a)(6) When there is a warrant to arrest a person.
- ☒ (a)(7) When a provider of electronic communication service or remote computing service has records or evidence, as specified in Penal Code Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery.
- ☐ (a)(8) When the property or things to be seized include an item or any evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated Section 3700.5 of the Labor Code.
- ☐ (a)(9) When the property or things to be seized include a firearm or any other deadly weapon at the scene of, or at the premises occupied or under the control of the person arrested in connection with, a domestic violence incident involving a threat to human life or a physical assault as provided in subdivision (b) of Section 12022.5. This section does not affect warrantless seizures otherwise authorized by subdivision (b) of Section 12022.5.
- ☐ (a)(10) When the property or things to be seized include a firearm or any other deadly weapon that is owned by, or in the possession of, or in the custody or control of, a person described in subdivision (a) of Section 8102 of the Welfare and Institutions Code.
- ☐ (a)(11) When the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to Section 6300 of the Family Code, if a prohibited firearm is possessed, owned, in the custody of, or controlled by a person against whom a protective order has been issued pursuant to Section 6216 of the Family Code, the person has been lawfully served with that order, and the person has failed to relinquish the firearm as required by law.

You are Therefore **COMMANDED** to SEARCH: (premises, vehicles, persons)

See Attachments A, B, C, and D incorporated herein by reference at this point.

For the **FOLLOWING PROPERTY or PERSONS**:

See Attachments A-1, B-1, C-1, and D-1 incorporated herein by reference at this point.

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court. This Search Warrant and Affidavit and attached and incorporated Statement of Probable Cause were sworn to as true under penalty of perjury and subscribed before me on this 02 day of FEBRUARY, 2013, at 02:50 A.M. (P.M.) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

*James A. Stoner*  
(Signature of Judge)  
Judge of the Superior Court of California, County of Orange, Harbor Justice Center, Dept. C35

NIGHT SEARCH APPROVED: YES (X) NO ( )

**EXHIBIT 1**



**ATTACHMENT A****Location(s) to be searched:**

The PREMISES known as 4931 Sharon Drive La Palma, CA 90623 further described as a single family residence with a gray composite roof and tan exterior paint. The front door is composed of white painted wood and faces to the south. There is a white colored garage door facing to the south. There is a brick pathway leading from the curb to the front of the home and the numbers 4-9-3-1 are mounted in black lettering on a white background on the south side of the house. This search is to include all sheds, garages and other structures on the premises.

Blue 2005 Nissan Titan Pick-up Truck with California License Plate 7X03191 and VIN# 1N6AA07A65N576179, registered to Christopher J. Dornier, Confidential plates to Los Angeles Police Department

APPENDIX C

EXHIBIT 1



Based upon your Affiant's training, experience and conversations that your Affiant had with other Law Enforcement Officers and/or reports that your Affiant has read, your Affiant knows that online sales postings websites such as backpage.com requires sellers to provide information such as a name, email address, and in some cases a credit card number to register with them. Your Affiant knows that subjects who want to conceal sales transactions of property, weapons, illegal sexual activity, or illegal drugs will sometimes utilize online sales postings websites such as backpage.com.

I believe a search of backpage.com records for all accounts associated to Dorner, his email address and phone numbers may provide information of his current address, phone number, credit card numbers, IP addresses, or other email addresses he may be using. It may also show records of Dorner attempting to sell/posting to sell the weapon used to murder Monica Quan and Keith Lawrence.

I know www.backpage.com and their Custodian of Records are located at **2501 Oak Lawn Ave Suite 700, Dallas, TX 75219**, but the company requests that search warrants be served via fax to 214-757-8548. Pursuant to **Section 1524.2 of the Penal Code** and **Section 2105 of the Corporations Code**, I request that a California search warrant be issued and request that the search warrant may be served upon www.backpage.com via fax at 214-757-8548.

Based on all of these facts I request a search warrant be issued for the location identified on the face of the warrant, pursuant to PC 1524, for the seizure of said property, or any part thereof, good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, triable, pursuant to Section 1536 of the Penal Code.

Items attached and incorporated by Reference: YES ☒ NO ☐

I certify (declare) under penalty of perjury that the foregoing is true and correct.

Executed at Newport Beach, California

Date: 2/11/13 a: 1043 (A.M.) [P.M.] Signature of Affiant [Signature]

Reviewed by: Ebrahim Baytieh (Telephone Signature) Date: 02/11/2013 at 0830 [A.M.] [P.M.]  
(Signature of Deputy District Attorney)

## ATTACHMENT A-1

### Property to be seized:

- 1) Indicia indicating dominion and control of the location or items therein. Especially any bills for phone service, cable, or Internet service in which the address is listed as the location of service.
- 2) Handguns and instrumentalities used to commit the crime, such as firearms, magazines, holsters, and ammunition, suppressors, gun ownership or possession information such as manuals, paperwork, receipts, gun cleaning supplies, carrying cases or boxes.
- 3) Plans, maps, diaries, journals, that might provide details of any planning involved in the preparation of and ensuing commission of the crime.
- 4) Personal identifying information for Randal Quan, Sylvia Quan, Monica Quan, Ryan Quan and Keith Lawrence.
- 5) Any information pertaining to 1230 Scholarship Irvine CA and associated garages including diagrams, maps, directions and other documents.
- 6) Laptop computer, electronic organizers, electronic storage media (i.e. hard disk drives, floppy/CD-R/RW/DVD-R/RW+R/RW disks, thumb drives, USB devices, flash memory, etc.), programmable electronic devices (i.e. telephones, cell phones, calculators, address books, electronic printed, personal data assistants/PDAs, pagers, etc.) tending to establish evidence of the murder. With regard to any seized computers/electronic storage media/programmable electronic devices, I further request permission to have the devices/data within the media devices searched to retrieve and/or collect any computer forensic evidence related to this case, tending to establish the murder. The search would include files, e-mails, images, software, operating systems, created/deleted/alttered files, system configuration, disk drive configurations, date and time, registry information, unallocated/hidden/slack space, e-mail/chat logs, as well as other pertinent data.
- 7) With respect to computer systems and any items listed above found during the execution with this Search Warrant, the searching Peace Officers are authorized to seize and book said computer systems and any items listed above and transfer them to the Irvine Police Department prior to commencing the search of the items. Furthermore, said search may continue beyond the ten-day period beginning upon issuance of this Search Warrant, to the extent necessary to complete the search on the computer systems and any items listed above.

## EXHIBIT 1

**ATTACHMENT B-1****Property to be seized:**

Buccal swabs of DNA from the inside of Christopher Dorner's mouth.

**EXHIBIT 1**

On 02/06/2013, a search warrant was obtained to search the address at 4931 Sharon Dr, La Palma California in the County of Orange. The search warrant was granted and signed by the Honorable Judge James A. Stotler on 02/06/2013. This address was determined to be the residence Dorner shares with his mother Nancy Ann Dorner (referred to here and after as Nancy) and his sister Natasha Dorner (DOB 04/08/1977, referred to here and after as Natasha). The search warrant that was signed by Honorable Judge James A. Stotler is attached and incorporated as be reference in this declaration as **EXHIBIT 1**. On that same day, the Honorable Judge James A. Stotler signed an arrest warrant for Dorner for the double murder of Quan and Lawrence. During the course of this investigation it was determined that on 02/07/2013 Dorner was responsible for the shooting death of a Riverside Police Department Police Officer.

On 02/07/2013, Detective M. Andreozzi interviewed Young who said he met Dorner a year ago. Dorner was a frequent customer at a restaurant Young managed in Nevada so they eventually started to have conversations. Young stated he and Dorner became friends because they shared a common interest in firearms. Young went to the desert on several occasions with Dorner who brought many, but not all, of his firearms. Young advised Dorner had many high powered rifles and tactical firearm accessories. Detective M. Andreozzi provided Young with an email address for all tips and leads involving this investigation and/or the whereabouts of Dorner.

On 02/08/2013, Detectives from the Irvine Police Department executed the search warrant on the Dorner residence located at 4931 Sharon Dr, La Palma. During the search Natasha provided consent to Detective A. Guo to look through her iPhone. During his review of Natasha's cell phone Detective A. Guo was able to identify Dorner's cell phone numbers as 714-299-2537 and 714-905-4087. Additionally, Detective A. Guo identified one of Dorner's email addresses as [onyxpilot@hotmail.com](mailto:onyxpilot@hotmail.com). A second email address for Dorner was identified through social websites as pocketnuke32@gmail.com.

On 02/09/2013 Young sent an email which was received by Los Angeles Police Department Detective Kimber Davis and eventually forwarded to me. The email contained photos sent to him by Dorner over the past year. The photos were of various firearms, weapon sights, suppressors (silencers), and high capacity magazines. Young advised that Dorner was planning to sell the weapons, weapon parts, and magazines on the backpage.com website. Based on my training and experience I am aware that backpage.com is a website where people post listings for services and products.

**CURRENT INVESTIGATION**

On 02/03/2013 Irvine Police Department Detectives were called out to the parking structure of 2100 Scholarship, located in the City of Irvine County of Orange, for a murder investigation. It was discovered that two victims, Keith Lawrence and Monica Quan, were shot to death inside Lawrence's vehicle. The evidence located at the crime scene indicated that the couple had been shot multiple times by rounds from a 9mm pistol and the suspect was using a high capacity magazine to fire that many rounds.

On 02/05/2013 Detective Sergeant B. Bingham received a phone call from the Watch Commander at the National City Police Department regarding Los Angeles Police Department equipment that was found and turned in to them. Some of the equipment found included: police uniforms, police duty gear, high capacity magazines for 9mm ammunition, and a badge for Officer Dorner.

Further investigation revealed Dorner was a former Los Angeles Police Department Police Officer who was terminated on 01/09/2009 and lost all appeals to get his job back. A check of Dorner was conducted on social media websites including Facebook.com. It was on the website Facebook.com that a document composed by Dorner entitled "Last Resort" was found. In Dorner's document addressed to America he detailed his employment at the Los Angeles Police Department, the mistreatment he felt he received, and a list of several Los Angeles Police Department Police Officers who contributed to his termination. Amongst the many people he mentions by name Dorner makes mention of the father of Monica Quan, who was identified as retired Los Angeles Police Captain Randal Quan. Randal Quan was Dorner's attorney during the failed appeal to regain Dorner's employment as a police officer with the Los Angeles Police Department.

In Dorner's facebook document he acknowledges some of his friends with thanks and appreciation in a way consistent with a person leaving forever. Amongst the friends he acknowledges was a subject identified as Jason Young. It was also noted that Young was a listed friend on Dorner's Facebook.com page.

**ATTACHMENT C****Location to be searched:**

Facebook  
Attn: Security Department  
151 University Avenue  
Palo Alto, CA 94301  
(650) 644-3229 fax  
subpoena@fb.com

All information at Facebook Inc., specifically related to the entire account and all contents therein, attributable to chris.dorner.7@facebook.com, that is stored at the premises owned, maintained, controlled, or operated by Facebook, a company headquartered at 151 University Avenue, Palo Alto, California 94301.

A preservation request was submitted by Detective K. Davies on 2-6-2013. The case number associated with this request is #195571.

**EXHIBIT 1**



**ATTACHMENT C-1****Property to be seized:**

All private messages stored and presently contained in, or on behalf of, user chris.domer.7@facebook.com, including received messages, sent messages, deleted messages, and messages maintained in trash or other folders.

All data and information associated with the profile page, including friend lists; groups and networks of which the user is a member; "News Feed" information; "Wall" postings; "Notes;" status updates; links to videos; photographs; articles; and other items; event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

A list of all the user's "friends" on Facebook.

All privacy and account settings.

All information about the user's access and use of applications on Facebook.

All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contact with support services and records of actions taken.

All transactional information of all activity of the account, chris.domer.7@facebook.com including the date and time at which the account and profile were created, the Internet Protocol ("IP") address at the time of sign up, log files, dates, times, and methods of connecting, ports, dial-ups, and/or locations.

All business records and subscriber information, in any form kept, pertaining to the Facebook User, chris.domer.7@facebook.com, including applications, subscriber's full name, user ID, e-mail address, physical address, date of birth, hometown, occupation, all screen names associated with the subscriber and/or account, all account names associated with the subscriber, methods of payment, telephone numbers, and detailed billing records.

Additionally, I specifically request that the Court enter an order commanding Facebook not to notify any other person, including the subscriber of the user, chris.domer.7@facebook.com, of the existence of this search warrant because there is reason to believe that notification of the existence of the warrant will result in (1) endangering the life or physical safety of an individual/victim/witness or other individuals/victims/witnesses yet to be identified (2) the destruction or tampering with evidence; (3) intimidation of potential victims/witness; or (4) otherwise seriously jeopardize the investigation or unduly delay trial.

**EXHIBIT 1****STATEMENT OF PROBABLE CAUSE**

Affiant declares under penalty of perjury that the following facts are true and that there is probable cause to believe, and affiant does believe, that the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons:

**AFFIANT'S TRAINING AND EXPERIENCE**

Your affiant, Alexander Kim, has been a Police Officer for the city of Irvine for over 9 years and currently assigned to Investigations. My training and education include a Bachelor of Science in Political Science from California State University, Long Beach. I attended the Rio Hondo Basic Police Academy where I received formal training in investigations into crimes against persons and property. I have attended in excess of 40 specialized training courses, conferences and seminars, including, but not limited to, general investigations, residential/commercial burglaries, classes in narcotics manufacturing/trafficking, street and prison gangs, domestic and international terrorism, hate crimes as well as crimes involving robbery, auto theft, fraud, other types of property crimes and crimes against persons.

During my tenure as a Police Officer and Detective, I have made numerous arrests for crimes involving assaults and batteries, domestic violence, stalking, theft, burglary, drug offenses, other types of property crimes and crimes against persons. During the course of these investigations, I have been able to gain substantial intelligence regarding the means by which these crimes were committed through interviews and contact with the victims, suspects, and other detectives.

**CURRENT ASSIGNMENT**

As a Detective for the Irvine Police Department I have been designated as an investigator for property crimes occurring within the University area of the City of Irvine. In addition to this area of specialty, I also conduct other general investigations as they are assigned.

**DR# 12-05906  
ATTACHMENT A****Location to be searched:**

The PREMISES known as **Backpage.com**, Attn: Custodian of Records, located at 2501 Oak Lawn Ave Suite 700 Dallas, TX 75219, described as an internet or line community. Fax 214-757-8548 records@backpage.com

**Information/Items to be searched for:**

Provide the following information as printouts, or on compact disc or DVD all backpage.com user information and accounts associated with Christopher Dorner starting from 01/01/2012 0000 hours until 02/11/2013 0000 hours. The information requested includes:

- a. names, email addresses, and screen names;
- b. physical addresses;
- c. detailed billing records;
- d. start and end dates of accounts and types of transactions;
- e. telephone number and subscriber number;
- f. most recent IP address history [specify a particular date, time, and time zone];
- f. the means and source of payment for such service (including any credit card or bank account number);
- g. Any electronic communications between Dorner and other buyers or sellers.
- h. Any photographs and sales listings posted by Dorner.

Pursuant to an official criminal investigation being conducted by Irvine Police Department, it is hereby ordered that www.backpage.com, upon presentation of this Search Warrant, provide all records described in this Search Warrant. There is probable cause to believe that disclosure of this Search Warrant or the criminal investigation could impede the investigation being conducted. It is hereby ordered that www.backpage.com refrain from directly or indirectly disclosing the existence of this Search Warrant or the criminal investigation related to above listed Post ID numbers or any persons associated therewith until further notice of this court or another court of competent jurisdiction. It is hereby ordered that if for any reason, www.backpage.com alters the service associated with above listed Post ID numbers or any persons associated therewith; www.backpage.com shall not reveal that it has received legal process or that the alteration of service is related to legal process.

**ATTACHMENT D****Location to be searched:**

Los Angeles Police Federal Credit Union  
16150 Sherman Way  
Van Nuys 91406  
Attention Lauren Eleuterio  
FAX: (818) 782-8654

**EXHIBIT 1**

## ATTACHMENT D-1

## Property to be seized:

All deposit, credit, loan, mortgage and investment accounts in the name of:

- Christopher Dornier (SSN 601-07-7648)

Certified copies of the following documents for the period January 3, 2013 through February 6, 2013, in digital format as follows:

All documents utilized to open or maintain the accounts, or change the account's status including signature cards, changes in terms, account notes, messages and comments.

Any related IP addresses used to open the account or access the account for information or to make changes.

All monthly statements

All debits or credits (front and back) from or into the accounts, including but not limited to, deposit tickets (front and back), checks (front and back), convenience checks (front and back), account transfers, balance transfers, account rejects, payments (front and back), electronic transfers (including ACH), wire transfers and any related offsets.

Declaration of Custodian of Records

EXHIBIT 1

STATE of CALIFORNIA, COUNTY of ORANGE  
SEARCH WARRANT and AFFIDAVIT  
(AFFIDAVIT)

SW NO. 154581

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
HARBOR JUSTICE CENTER  
FEB 12 PM 1:51

Detective Alexander Kim swears under oath that the facts expressed by him/her in the attached and incorporated Statement of Probable Cause are true and that based thereon he/she has probable cause to believe and does believe that the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below, and are now located at the locations set forth below. Wherefore, Affiant requests that this Search Warrant be issued.

*(Signature of Affiant)*  
(Signature of Affiant)

HOBBS SEALING REQUESTED: ☐ YES ☐ NO  
NIGHT SEARCH REQUESTED: ☐ YES ☐ NO

## (SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF ORANGE: proof by affidavit, having been this day made before me by Detective Alex Kim that there is probable cause to believe that the property or person described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by "X"(s), in that:

- ☐ property was stolen or embezzled;
- ☒ property or things were used as the means of committing a felony;
- ☒ property or things are in the possession of any person with the intent to use them as a means of committing a public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their being discovered;
- ☒ property or things to be seized consist of a r/y item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony;
- ☐ property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring;
- ☐ there is a warrant to arrest a person;
- ☐ a provider of electronic communication service or remote computing service has records or evidence, as specified in Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery;
- ☐ property or things to be seized include an item or any evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated Section 3700.5 of the Labor Code;

You are Therefore COMMANDED to SEARCH: (premises, vehicles, persons)

See Attachment "A" incorporated herein by reference at this point.

For the FOLLOWING PROPERTY or PERSONS:

See Attachment "A" and incorporated herein by reference at this point.

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court. This Search Warrant and Affidavit is attached and incorporated Statement of Probable Cause were sworn to as true and subscribed before me on this 11 day of Feb, 2013, at 1030 A.M. (P.M.) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

*(Signature of Magistrate)*  
(Signature of Magistrate)  
Judge of the Superior Court of California, County of Orange, Harbor Justice Center, Dept. H12  
*(Signature of Stephanie George)*  
STEPHANIE GEORGE

HOBBS SEALING APPROVED: ☐ YES ☒ NO  
NIGHT SEARCH APPROVED: ☐ YES ☒ NO



## STATEMENT OF PROBABLE CAUSE

Affiant declares under penalty of perjury that the following facts are true and that there is probable cause to believe, and affiant does believe, that the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons:

### AFFIANT'S TRAINING AND EXPERIENCE

Your affiant, Jonathan Sampson, has been a Police Officer for the city of Irvine for 8 years. I am currently assigned to the Investigations Bureau. My training and education include a Bachelor of Arts in Criminal Justice/Public Administration from California State University, Fullerton. I attended the Rio Hondo Basic Police Academy where I received formal training in investigations into crimes against persons and property.

I have attended specialized training courses, conferences and seminars, including, but not limited to, crimes involving child abuse, sexual assault, robbery, auto theft, fraud and other crimes against persons and property. In addition to those classes and seminars, I have worked closely with other Detectives and Officers to learn the importance of computers and cellular telephones in criminal investigations. I also regularly attend quarterly and monthly meetings with other professionals involved in the investigation of sexual assaults, robberies and homicides.

During my tenure as a Police Officer and Detective, I have made numerous arrests for crimes involving robberies, assaults and batteries, domestic violence, stalking and other crimes against persons. I have been the primary case agent on numerous sexual assault investigations. During the course of those investigations, I have been able to gain substantial intelligence regarding the means by which these crimes were committed through interviews and contact with the victims, suspects, and other investigators.

### CURRENT ASSIGNMENT

I have been designated as an investigator for crimes against persons occurring within the Crossroads area of the City of Irvine. In addition to this area of specialty, I also conduct other general investigations as they are assigned.

EXHIBIT 1

On Sunday February 3, 2013, I assisted Detectives with a murder investigation. The victims, Kevin

Lawrence and Monica Quan, were shot to death inside Lawrence's vehicle while it was parked on the top of a parking structure located at 2100 Scholarship in the city of Irvine. The evidence from the scene indicated that the couple had been shot multiple times by rounds from a 9mm pistol and it was believed that the shooter used a fire arm with a high capacity magazine to fire that many rounds.

On Tuesday February 5, 2013, Detective Sgt. Bingham received a phone call from the Watch Commander at National City Police Department regarding a found property report that their Officers were conducting. The Watch Commander told Detective Sgt. Bingham that several police-related items had been found in a dumpster in their city. Included in the found property were leather duty gear, police uniforms with a name badge for Officer Dornier, and a high capacity magazine for 9mm rounds. National City Police Officers were able to determine that the items appeared to be related to the Los Angeles Police Department and contacted them for further information. LAPD personnel, who were familiar with our murder investigation, advised the Watch Commander to contact Detective Sgt. Bingham.

Detectives Sanders and Hall went to National City and recovered the items. They also viewed video surveillance footage that showed a man matching Christopher Dornier's description discarding the items into the dumpster. They also spoke with LAPD Personnel regarding Dornier. They learned that Dornier had been terminated several years earlier in 2007. Dornier's former Field Training Officer, Terry Evans, told Detectives that Dornier seemed unstable and there were other disciplinary problems during his tenure at LAPD. We also learned that Dornier hired Monica Quan's father, Randal Quan, to represent him during his disciplinary process. Randal is a licensed attorney who retired as a Captain from the LAPD. He mainly represents police officers who are facing disciplinary actions. LAPD personnel told us that Randal Quan represented Dornier and he was unsuccessful in helping Dornier regain employment with the LAPD. We also learned that Dornier appeared to harbor a grudge about losing his job as a police officer.

Based on this information, we began conducting background into Dornier. Sgt. Vanderslyveer located a Facebook profile for a subject who appeared to be Dornier. The photograph in the profile matched the photograph we located using DMV's licensing database. The personal information on his page indicated that he resided in La Palma and there were several pictures on the profile of Dornier wearing naval combat and dress uniforms as well as other photographs of him holding

## APPENDIX B

EXHIBIT 1

Executed at ORANGE COUNTY California

ORANGE COUNTY

6 day of FEBRUARY, 2013, at 8:45 A.M. / P.M.

(Signature of Affiant)

Reviewed by [Signature] 6<sup>th</sup> day of Feb., 2013, at 7:20  
A.M. / P.M.

(Signature of Deputy District Attorney)

EBRAHIM BARTIEH

(Printed name of Deputy District Attorney)

EXHIBIT 1

02/15/2013 13:14 949-552-1453

FEDEX OFFICE 0596

PAGE 17

4, 2013 at approximately 0148 hours Dorner wrote,

To: America

Subj: Last resort

Regarding CF# 07-004281

I know most of you who personally know me are in disbelief to hear from media reports that I am suspected of committing such horrendous murders and have taken drastic and shocking actions in the last couple of days. You are saying to yourself that this is completely out of character of the man you knew who always wore a smile wherever he was seen. I know I will be vilified by the LAPD and the media. Unfortunately, this is a necessary evil that I do not enjoy but must partake and complete for substantial change to occur within the LAPD and reclaim my name.

Dorner went on to talk about his experience of being investigated by LAPD Internal Affairs for his role in reporting an alleged excessive force incident that occurred between his Field Training Officer Terry Evans and a suspect they had arrested. Dorner talked about the injustice that befell him when the review panel decided to terminate his employment. He continued ranting about the fact his appeals were not heard and how upset he was about losing his job. Dorner went on to specifically mention Randal Quan when he wrote:

Never allow a LAPPL union attorney to be a retired LAPD Captain, (Quan). He doesn't work for you, your interest, or your name. He works for the department, period. His job is to protect the department from civil lawsuits being filed and their best interest which is the almighty dollar. His loyalty is to the department, not his client. Even when he knowingly knows your innocent and the BOR also knows your innocent after Christopher Gettler stated on videotape that he was kicked and Evans attorney confessed to the BOR off the record that she kicked Gettler.

The Violence of action will be HIGH. I am the reason TAC alert was established. I will bring unconventional and asymmetrical warfare to those in LAPD uniform whether on or off duty. ISR is my strength and your weakness. You will now live the life of the prey. Your RD's and homes away from work will be my AO and battle space. I will utilize every tool within INT collections that I learned from NMITC in Dam Neck. You have misjudged a sleeping giant. There is no conventional threat assessment for me.

EXHIBIT 1

various members of the Los Angeles Police Department, including Randal Quan, since his dismissal in 2007. He talks about the fact he was proficient in the use of handguns and warns that he is able to find "targets." He also mentioned that many of these targets would have to live with the deaths of their children.

Based on Dörner's manifesto, it appears that he had the means, motive and opportunity to commit this crime. He publicly expressed his displeasure with Randal Quan's handling of his disciplinary hearing and talked about punishing those who were responsible for ending his career. Dörner has several weapons registered to him, including five 9mm pistols. Since identifying him as a possible suspect in this case, Investigators have been unable to locate Dörner and it is believed, based on the statements in the manifesto that he is actively fleeing from prosecution. Based on all of these circumstances, it appears that Christopher Dörner is in violation of PC 187 Murder.

Based on my training and experience, I am aware that suspects who use firearms to commit murders often retain possession of handguns and instrumentalities used to commit the crime, such as additional firearms, magazines, suppressers, holsters, and ammunition, gun ownership or possession information such as manuals, paperwork, receipts, gun cleaning supplies, carrying cases or boxes.

I am also aware that murder suspects often go to great lengths to plan and carry out these types of crimes. It is believed that Dörner conducted background on his intended targets and may be in possession of journals, maps, photographs and documents containing personal and professional information for Keith Lawrence, and the entire Quan family. I realize that much of this information may likely be stored on digital media storage devices such as thumb drives, MP3 players, personal tablet devices, computer towers, laptops, cell phones and cameras.

Based on my training and experience I am aware that DNA and other forms of trace evidence can be used to tie potential suspects to a particular crime scene. In this particular case, several shell casings and a beanie were found near the victim's car. It is believed that DNA from Dörner will further prove his involvement in this crime. I am aware that a sample of DNA can be obtained by swabbing the interior of Dörner's mouth.

I am also aware that Facebook Inc. maintains records of its subscriber's activity on their website. These records can include personal identifying information, pictures, posts, comments, friend requests, friends, messages, and emails. Detective Davies contacted Facebook's legal compliance

pending the receipt of a search warrant.

Law enforcement databases showed that Christopher Dörner's last known address is [REDACTED] La Palma, CA 90623. This is the residence he shared with his mother. His Facebook profile indicated that this is the city where he is currently residing. DMV records indicate that Dörner owns a 2005 Nissan Titan pickup truck with a California License plate of 7X03191. It is your affiant's belief that a search of Dörner's home, vehicle and person as well as a search of Facebook's records will help provide Investigators with evidence to prove that Christopher Dörner was the suspect who fatally shot Keith Lawrence and Monica Quan.

At this time, Dörner's whereabouts are unknown and it is believed that he is actively fleeing from law enforcement's efforts to capture him. I am aware that suspects will often use funds from their banking and financial institutions to assist them in their attempts to escape. Recognizing Dörner's former position as a police officer, Detective Mutuc contacted the Los Angeles Federal Credit Union and they confirmed he had an account. LAFCC told Detective Mutuc that they could only release information to us if we secured a search warrant asking for account information related to his social security number [REDACTED]. I believe that a search of Dörner's banking and financial records from January 3, 2013 until February 6, 2013 will help provide investigators with information to show his pattern of activity leading up to and following the homicide.

Due to the potential for violence associated with the suspect in this case, I request that night service be granted for service of this warrant as the suspect would likely pose a continuing threat to the public if not apprehended as soon as possible.

Based upon the aforementioned facts, I request that a search warrant be issued, pursuant to Section 1524 of the Penal Code, for the seizure of said property, or any part thereof good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offenses in respect to which the property of things taken, triable, pursuant to Section 1536 of the Penal Code. I further request permission to dispose of any seized property after the adjudication of this case.

Items attached and incorporated by Reference: YES ☐ NO ☒

I certify (declare) under penalty of perjury that the foregoing is true and correct.

EXHIBIT 1

EXHIBIT 1